FOOD AND DRUGS ACT

NOTICES OF JUDGMENT Nos. 5001-5500

UNITED STATES
DEPARTMENT OF AGRICULTURE

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 5001–5050.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 7, 1917.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

5001. Adulteration and misbranding of cottonseed meal. U. S. * * * v. 20 Tons (400 Bags) of Cottonseed Meal. Decree of condemnation and forfeiture. Goods released on bond. (F. & D. No. 306–c.)

On March 1, 1916, the United States attorney for the Western District of Virginia, acting upon a report by the Dairy and Food Commissioner of the State of Virginia, authorized by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 20 tons (400 bags) of cottonseed meal, remaining unsold in the original unbroken packages at Waynesboro, Va., alleging that the article had been shipped on January 27, 1916, by W. Newton Smith, Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated and misbranded in that it contained only 35.06 per cent protein, a valuable constituent thereof, while it was guaranteed to contain 38.62 per cent, and was therefore adulterated in violation of section 7 of the Food and Drugs Act and misbranded in violation of section 8 of the same act.

On November 2, 1916, the said W. Newton Smith, claimant, having appeared but declining to answer, and the cause having been submitted to the court by agreement, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be delivered to said claimant, bond in the sum of $700, in conformity with section 10 of the act, having been executed by the claimant and approved by the court, and the costs of the proceedings having been paid by said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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5002. Adulteration of eggs. U. S. * * * v. J. A. Whitfield Co., a corporation. Plea of guilty. Fine, $20. (F. & D. No. 309–c.)

On September 26, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against J. A. Whitfield Co., a corporation, Washington, D. C., alleging the sale by said company, on July 29, 1916, and July 31, 1916, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of eggs which were adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted of a filthy, decomposed, and putrid animal and vegetable substance.

On September 26, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5003. Adulteration of milk. U. S. * * * v. Theodore C. Pilcher. Plea of guilty. Fine, $40. (F. & D. No. 310–c.)

On July 28, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Theodore C. Pilcher, Midland, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on June 8, 1916, and on June 30, 1916, from the State of Virginia into the District of Columbia, of quantities of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance—to wit, water—which reduced and lowered its quality.

On July 28, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5004. Adulteration of milk. U. S. * * * v. Charles C. Mainhart. Plea of guilty. Fine, $25. (F. & D. No. 311–c.)

On August 4, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Charles C. Mainhart, Barnesville, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on April 22, 1916, from the State of Maryland into the District of Columbia, of a quantity of milk which was adulterated

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance—to wit, water—which reduced and lowered its quality.

On August 4, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5005. Adulteration of milk. U. S. * * * v. Charles C. Mainhart. Plea of guilty. Fine, $25. (F. & D. No. 312–c.)

On August 4, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Charles C. Mainhart, Barnesville, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on May 13, 1916, from the State of Maryland into the District of Columbia, of quantities of milk which was adulterated

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance—to wit, water—which reduced and lowered its quality.

On August 4, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5006. Adulteration of milk. U. S. * * * v. Arthur P. Stup. Plea of guilty. Fine, $10. (F. & D. No. 315–c.)

On August 18, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Arthur P. Stup, Derwood, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 11, 1916, from the State of Maryland into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance—to wit, water—had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength.

On August 18, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5007. Adulteration of milk. U. S. * * * v. Maurice F. Stup. Plea of guilty. Fine, $10. (F. & D. No. 314–c.)

On August 18, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Maurice F. Stup, Derwood, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 11, 1916, from the State of Maryland into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance—to wit, water—had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength.

On August 18, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5008. Adulteration of milk. U. S. * * * v. Samuel E. Ayers. Plea of guilty. Fine, $15. (F. & D. No. 315–c.)

On August 18, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Samuel E. Ayers, Alexandria, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on June 24, 1916, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance—to wit, water—had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength.

On August 18, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5009. Adulteration of milk. U. S. * * * v. John M. Cromer. Plea of guilty. Fine, $10. (F. & D. No. 316–c.)

On August 25, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against John M. Cromer, Orange, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on June 23, 1916, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance—to wit, water—had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength.

On August 25, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5010. Adulteration of milk. U. S. * * * v. Richard N. Popkins. Plea of guilty. Fine, $25. (F. & D. No. 317–c.)

On July 5, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Richard N. Popkins, Alexandria, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on May 3, 1916, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance—to wit, water—which reduced and lowered its quality.

On July 5, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5011. Adulteration and misbranding of oats. U. S. * * * v. 150 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 318–c.)

On January 3, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Commissioner of Agriculture, Commerce, and Industries of South Carolina, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 sacks, each containing 160 pounds, of oats, remaining unsold in the original unbroken packages at Sumter, S. C., alleging that the article had been shipped on November 17, 1916, by the Mayo Milling Co. (Inc.), Richmond, Va., and transported from the State of Virginia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that said packages did not contain oats alone, but that another substance—to wit, foreign seeds—consisting of approximately 32.13 per cent light and unfilled barley, 1.58 per cent shriveled wheat, 8.19 per cent weed seeds, and a few grains of moldy corn, and in addition 0.60 per cent trash and dirt had been mixed and packed with the oats so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted in part for said oats.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of oats, whereas it contained a mixture of oats, 41.87 per cent foreign seeds, and 0.60 per cent trash and dirt.

On January 27, 1916, the said Mayo Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the procedings and the execution of a bond in the sum of $350, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5012. Adulteration of milk. U. S. * * * v. Theodore L. Bell. Plea of guilty. Fine, $25. (F. & D. No. 319–c.)

On July 22, 1916, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Theodore L. Bell, Round Hill, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 20, 1916, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance—to wit, water—which reduced and lowered its quality.

On July 22, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5013. Adulteration of scallops. U. S. * * * v. 10 Boxes of Scallops. U. S. * * * v. 12 Boxes of Scallops. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 322–c, 320–c.)

On January 20 and 29, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Commissioner of the Massachusetts State Department of Health, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying for the seizure and condemnation of 10 boxes of scallops and 12 boxes of scallops, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the 10 boxes had been shipped by the Jackson Fish Co., Morehead City, N. C., and that the 12 boxes had been shipped by the Morehead City Sea Food Co., Inc., Morehead City, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels of information for the reason that a substance—to wit, added water—had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

On February 23, 1917, Patrick J. Connolly, doing business as the Union Lobster Co., Boston, Mass., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5014. Adulteration of scallops. U. S. * * * v. 8 Barrels of Scallops. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 321–c.)

On January 26, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the commissioner of the State Department of Health of Massachusetts, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 8 barrels of scallops, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. H. G. Mears, Wachapreague, Va., and transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that a substance—to wit, added water—had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

On January 27, 1917, the said A. H. G. Mears, claimant, having consented to a decree and having executed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5015. Alleged misbranding of "Hite's Pain Remedy." U. S. * * * v. S. P. Hite Co., a corporation. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 6020. I. S. No. 4686–e.)

On January 11, 1915, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. P. Hite Co., a corporation, Roanoke, Va., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about December 17, 1912, from the State of Virginia into the State of Maryland, of a quantity of an article labeled, in part, "Hite's Pain Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)---------- 64.5

Essentially a hydroalcoholic solution of oleoresin of capsicum, with methyl salicylate, eucalyptol (or oil eucalyptus), thymol (or oil of thyme), camphor (or a camphor containing oil), and sassafras oil.

It was charged, in substance, in the information that the article was misbranded for the reason that statements appearing on its label falsely and fraudulently represented it as a remedy for croup, la grippe, pneumonia, and diphtheria, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article included in the circular or pamphlet accompanying it, to wit, "Hite's Pain Remedy Cough Syrup—How to Make and Use.—Sweeten a half glass of water and add one-half teaspoonful Pain Remedy. * * * For * * * La Grippe, Pneumonia, Etc., use it freely. Also for Diphtheria, Croup, Measles, Scarlet Fever, Tonsilitis, and other diseases of the lungs and throat. * * * Always * * * reliable. Diphtheria—See Cough Syrup—How to Make and Use. Gargle with same and swallow a little each time. * * * In all cases add 3 tablespoonfuls Pain Remedy to 1 teaspoonful lard; heat and saturate two-ply cotton cloth 2 inches wide and bind on throat, * * * heat about a quart of wheat bran (dry) in a vessel, * * * and put it in a poke large enough to cover the throat well; apply it on a cloth to drive the remedy in. * * * Saturate the cloth often with Pain Remedy to subdue the swelling and soreness. Also give Tincture of Iron, 1 to 2 drops for every year of child's age. * * * Adults, 15 drops * * *. This treatment strictly followed has cured hundreds of cases. * * *," were false and fraudulent, in that by means of said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of the purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for la grippe, pneumonia, diphtheria, croup, measles, scarlet fever, and tonsilitis when used as a cough sirup according to directions contained in said circular, and effective for curing diphtheria when used externally with a heated poultice of dry wheat bran, and internally with tincture of iron, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for la grippe, pneumonia, diphtheria, croup, measles, scarlet fevor, or tonsilitis when used as a cough sirup according to directions contained in said circular or when used in any

other manner, or effective as a cure for diphtheria when used externally with a heated poultice of dry wheat bran and internally with tincture of iron, or when used in any other manner.

On February 21, 1917, the case came on for trial before the court and a jury, and after the submission of evidence and argument by counsel the jury was charged by the court and retired, and, after due deliberation, returned a verdict of not guilty.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5016. Misbranding of "National Hog Remedy" and "National Cow Tonic." U. S. * * * v. National Breeders Co., a corporation. Plea of nolo contendere. Fine, costs in case. (F. & D. No. 6040. I. S. Nos. 9194–e, 9195–e.)

On June 26, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Breeders Co., a corporation, Tiffin, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 1, 1913, from the State of Ohio into the State of West Virginia, of quantities of articles labeled in part, "National Hog Remedy," and "National Cow Tonic," which were misbranded.

Analyses of a sample of the "National Hog Remedy" by the Bureau of Chemistry of this department showed that the product consisted essentially of the sulphates and chlorids of ferrous iron, magnesium, sodium, calcium, and traces of potassium, also sand and traces of strychnine and brucine (indicating nux vomica), and other plant substances, including charlock, white and brown mustard, quassia, linseed, some unidentified tissues, and cereals.

Analyses of a sample of the "National Cow Tonic" by the Bureau of Chemistry of this department showed that the product consisted essentially of the sulphates and chlorids of ferrous iron, magnesium, and sodium, and also charcoal, sand, traces of strychnine and brucine (indicating nux vomica), and other plant substances, including coarsely ground brown and white mustard and some charlock.

It was charged, in substance, in the information that the "National Hog Remedy" was misbranded for the reason that the statements appearing on its label falsely and fraudulently represented it as a remedy for swine, containing such medicines as destroy all disease germs and insure health, for hog cholera, scrofula, inflammatory and all other contagious diseases peculiar to swine, and as a cure and preventive of hog cholera and all contagious diseases of swine, when, in truth and in fact, it was not.

It was charged in substance in the information that the "National Cow Tonic" was misbranded for the reason that the statements appearing on its label falsely and fraudulently represented it as effective for the cure and prevention of all diseases among cows, as a preventive of abortion, and for promoting healthy delivery, curing barrenness, removing retained afterbirths, preventing tuberculosis, stopping scours, curing milk fever, caked udder, swelling of the bag, kidney trouble, and garget, when, in truth and in fact, it was not.

On July 24, 1915, the defendant company entered a plea of nolo contendere to the information and was sentenced by the court to pay the costs in the case.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5017. Adulteration of milk. U. S. * * * v. William Louis Fuher. Plea of nolo contendere. Fine, $45 and costs. (F. & D. No. 6365. I. S. Nos. 1046–h, 1047–h, 1048–h, 1049–h, 1050–h, 1051–h, 1052–h, 1053–h.)

On June 26, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Louis Fuher, Pittsburgh, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 9, 1913, from the State of Ohio into the State of Pennsylvania, of quantities of milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Sample No. 1.	Sample No. 2.	Sample No. 3.	Sample No. 4.	Sample No. 5.	Sample No. 6.	Sample No. 7.	Sample No. 8.
	Per cent.	*Per cent.*	*Per cent.*					
Specific gravity (60° F.)	1.0252	1.0314	1.0309	.....	.....	.....	.....	.....
Solids (calculated)	9.78	10.61	10.48	.....	.....	.....	.....	.....
Solids (by drying)	9.77	10.67	10.68	.....	.....	.....	.....	.....
Solids, not fat (calculated)	6.88	8.31	8.18	.....	.....	.....	.....	.....
Solids, not fat (by drying minus fat) (Roese-Gottlieb)	6.91	8.43	8.40	.....	.....	.....	.....	.....
Fat (Babcock)	2.90	2.30	2.30	.....	.....	.....	.....	.....
Fat (Roese-Gottlieb)	2.86	2.24	2.28	.....	.....	.....	.....	.....
Ash	0.57	0.57	0.71	.....	.....	.....	.....	.....
Sediment	Present.	Heavy.	Present.	Heavy.	Heavy.	Heavy.	Present.	Present.

The results show in every case the presence of a filthy, decomposed, or putrid animal or vegetable substance; in sample No. 1 the presence of added water; and samples No. 2 and 3 that a portion of the fat has been removed.

Adulteration of 1 can of the milk was alleged in the information for the reason that a substance—to wit, water—had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure milk, which the article purported to be, and for the further reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance. Adulteration of 2 cans of the milk was alleged for the reason that a valuable constituent of the article—to wit, fat—had been in part abstracted therefrom; and for the further reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance. Adulteration of 5 cans of the milk was alleged for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On January 31, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $45 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5018. Misbranding of "Dr. Clark Johnson's Indian Blood Syrup." U. S. * * * v. 8 Boxes * * * and 2 Boxes * * * of "Dr. Clark Johnson's Indian Blood Syrup." Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6371. I. S. No. 11649–k, S. No. C–178.)

On March 15, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 boxes, each containing 6 dozen bottles, small size, and 2 boxes, each containing 4 dozen bottles, large size, of "Dr. Clark Johnson's Indian Blood Syrup," remaining unsold in the original unbroken packages, at Lawrenceburg, Ind., alleging that the article had been shipped by Hoeschler Bros., La Crosse, Wis., and transported from the State of Wisconsin into the State of Indiana, and were received on or about February 24, 1915, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was charged in substance in the libel that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a remedy for all diseases arising from impurities of the blood, such as scrofula, ulcers, skin eruptions, syphilis, etc., and as a reliable and efficient family medicine for chills and fever, rheumatism, liver complaint, dropsy, kidney disease, dyspepsia, constipation, scrofula, and all diseases arising from impure blood; as the best blood remedy ever discovered, for scrofula, running sores, old wounds, pimples, and blood poisoning of long standing, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements on the circular or booklet accompanying the article falsely and fraudulently represented it as a medicine for the speedy and permanent cure of chills and fevers, rheumatism, liver complaints, dropsy, kidney disease, dyspepsia, constipation, biliousness, scrofula, and all diseases arising from impure blood, when, in truth and in fact, it was not.

On November 18, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold at public auction after the obliteration of all marks, brands, and figures thereon and the relabeling of the article as "Dr. Clark Johnson's Indian Blood Syrup."

CARL VROOMAN, *Acting Secretary of Agriculture.*

5019. Adulteration of tincture of iodin and misbranding and alleged adulteration of other drugs compounded under a physician's prescription. U. S. * * * v. Nellie G. O'Donnell. (O'Donnell's Pharmacy.) Plea of guilty to counts 1 and 3 of information. Fine, $20. Count 2 of information nol-prossed. (F. & D. No. 6391. I. S. Nos. 5804-h, 22341-h.)

On July 17, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the said District an information against Nellie G. O'Donnell, trading as O'Donnell's Pharmacy, Washington, D. C., alleging the sale by said defendant, at the District aforesaid, in violation of the Food and Drugs Act, on May 6, 1914, of a quantity of tincture of iodin which was adulterated, and on August 18, 1913, of an article of drugs purporting to have been prepared in accordance with a physician's prescription, which was misbranded and alleged to have been adulterated.

Analysis of a sample of the tincture of iodin by the Bureau of Chemistry of this department showed the following results:

Iodin (grams per 1,000 cc)	93.80
Potassium iodid (grams per 1,000 cc)	70.28

Analysis of the physician's prescription by said Bureau of Chemistry showed the following results:

Acetphenetidin (grains)	31.0
Bismuth subnitrate: Absent.	
Bismuth subcarbonate: Present.	
Sodium bicarbonate: Present.	

Adulteration of the tincture of iodin was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of investigation of the said article, in that it contained iodin, 93.80 grams, and potassium iodid 70.28 grams per 1,000 cubic centimeters, whereas said Pharmacopœia provides that it should contain not more than 70 grams of iodin and 50 grams of potassium iodid per 1,000 cubic centimeters, and the standard of the strength, quality, and purity of said article was not declared on the container thereof.

Adulteration of the article purporting to have been compounded in accordance with a physician's prescription was alleged in the information for the reason that it fell below the professed standard and purity under which it was sold, in that said prescription called for 36 grains of acetphenetidin and 1 drachm of bismuth subnitrate in 12 powders, whereas said powders contained approximately 31 grains of acetphenetidin and no bismuth subnitrate.

Misbranding was alleged for the reason that the said powders contained no bismuth subnitrate, but contained another article—to wit, bismuth subcarbonate—which had been substituted for bismuth subnitrate and was sold under the name of bismuth subnitrate.

On July 17, 1916, the defendant entered a plea of guilty to counts 1 and 3 of the information, charging adulteration of the tincture of iodin and misbranding of the article purporting to have been compounded in accordance with a physician's prescription, and the court imposed a fine of $20. Count 2 of the information, charging adulteration of the article last referred to, was nol-prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5020. Adulteration of milk. U. S. * * * v. Ohio and Pittsburgh Milk Co., a corporation. Plea of nolo contendere. Fine, $50 and costs. (F. & D. No. 6560. I. S. Nos. 7394–e, 7395–e, 7396–e, 7397–e, 7399–e, 7400–e, 13001–e.)

On May 24, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ohio and Pittsburgh Milk Co., a corporation, Pittsburgh, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on June 25, 1913, from the State of Ohio into the State of Pennsylvania, of a quantity of milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Sample No. 1.	Sample No. 2.	Sample No. 3.	Sample No. 4.	Sample No. 5.	Sample No. 6.	Sample No. 7.
Specific gravity (60° F.)	1.0313	1.0320	1.0315	1.0257	1.0316	1.0321	1.0316
Solids (calculated) (per cent)	11.48	10.27	11.10	10.31	11.20	11.26	11.32
Fat (Babcock) (per cent)	2.8	1.9	2.75	3.25	2.75	2.7	2.85
Solids not fat (calculated minus fat) (per cent)	8.68	8.37	8.35	7.06	8.45	8.56	8.47
Solids (by drying) (per cent)	.....	.....	.....	10.48	.....	.....	.....
Ash (per cent)	.....	.....	.....	0.57	.....	.....	.....
Refraction of serum at 20° C	.....	.....	.....	35.0	.....	.....	.....

The above results show that a portion of the fat has been removed in samples 1, 2, 3, 5, 6, and 7, and that water has been added in sample 4.

Adulteration of a portion of the milk in the shipment was alleged in the information for the reason that a valuable constituent—to wit, butter fat—had been in part abstracted therefrom. Adulteration of the remainder of milk in the shipment was alleged for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

On January 31, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5021. Misbranding of "Paine's Celery Compound." U. S. * * * v. Wells & Richardson Co., a corporation. Plea of nolo contendere. Fine, $100. (F. & D. No. 6620. I. S. No. 22464-h.)

On May 24, 1916, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wells & Richardson Co., a corporation, Burlington, Vt., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about June 10, 1914, from the State of Vermont into the State of Maryland of a quantity of an article labeled in part, "Paine's Celery Compound," which was misbranded

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	18.5
Potassium nitrate (grams per 100 cc)	0.94
Sugar (grams per 100 cc)	5.25
Glycerin (grams per 100 cc)	3.58

Quinine: Present.
Berberine: Negative.
Ginger: Indicated.
Cascara: Indicated.
Emodin: Present.

The article is a hydroalcoholic solution, slightly bitter in taste and containing potassium nitrate, with calisaya, celery, blackhaw; and sarsaparilla indicated, and the absence of prickly ash and mandrake indicated.

It was alleged, in substance, in the information that the article was misbranded for the reason that statements appearing on its labels falsely and fraudulently represented it as a remedy for nervous diseases, neuralgia, rheumatism, nervous delibity, dyspepsia, and female complaints, when, in truth and in fact, it was not.

On October 3, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5022. Misbranding of "Botanic Blood Balm." U. S. * * * v. William R. Warner & Co., a corporation. Plea of guilty. Fine, $200. (F. & D. No. 6626. I. S. No. 22431-h.)

On May 8, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William R. Warner & Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 3, 1914, from the State of Pennsylvania into the State of Maryland, of a quantity of an article labeled in part, "Botanic Blood Balm," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Potassium iodid (gram per 100 cc)	1.18
Alcohol (per cent by volume)	14.6
Arsenic trioxid: Present.	
Guaiac: Present.	
Sarsaparilla: Indicated.	
Senna (emodin): Indicated.	
Unidentified glucoside: Present.	

It was charged in substance in the information that the article was misbranded in that statements on its label falsely and fraudulently represented it as a remedy for all blood and skin complaints, all cases of catarrh and rheumatism, all eruptions, and for the treatment of all the maladies of the blood and skin, comprising catarrh, scrofula, and female weakness; and further in that the statements included in the circular accompanying it falsely and fraudulently represented it as a remedy for erysipelas, ringworm, pimples, pustules, boils, carbuncles, sore eyes, scrofulous sores, swellings, fever sores, white swellings, and ulcers of the stomach and kidneys, when, in truth and in fact, it was not.

On September 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5023. Misbranding of "Owens' Wonderful Sore Wash." U. S. * * * v. Edward W. Zurhellen, Mgr. (Sore Wash and Eye Lotion Co.) Plea of guilty. Fine, $10 and costs. (F. & D. No. 6637. I. S. No. 8219–e.)

On November 1, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District of Court of the United States for said district an information against Edward W. Zurhellen, manager of the Sore Wash & Eye Lotion Co., Natchez, Miss., alleging shipment by said defendant, in violation of the Food and Drug Act, as amended, on or about February 23, 1913, from the State of Mississippi into the State of Tennessee, of a quantity of an article labeled in part, "Owens' Wonderful WSW Sore Wash * * *," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alkaloid, free (gram per 100 cc)	0.01
Solids (grams per 100 cc)	16.85
Hydrastine: Present.	
Zinc salt: Present.	
Sulphate: Present.	
Chlorid: Present.	
Sodium: Present.	
Alcohol, salicylic acid, boric acid, heavy metals: Absent.	

It was charged in substance in the information that the article was misbranded for the reason that statements appearing on its label falsely and fraudulently represented it as a remedy for all diseases of the skin, carbuncles, erysipelas, tetter, goiter, and piles; and further in that the statements included in the circular or pamphlet accompanying it falsely and fraudulently represented it as a cure for catarrh, goiter, cancer, diphtheria, erysipelas, and gangrene, when, in truth and in fact, it was not.

On November 14, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5024. Misbranding of "Lafayette Cough Syrup." U. S. * * * v. The Lafayette Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 6638. I. S. No. 1615-k.)

On December 14, 1915, the United States attorney for the district of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lafayette Co., a corporation, Berlin, N. H., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about January 9, 1914, from the State of New Hampshire into the State of Massachusetts of a quantity of an article labeled in part, "Lafayette Cough Syrup," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	7.34
Reducing sugar (invert) (grams per 100 cc)	28.4
Sucrose (Clerget) (grams per 100 cc)	47.8
Ipecac alkaloids: Present.	
Wild cherry: Present.	
Fatty acids: Trace.	
Benzoic acid: Trace.	

It was charged in substance in the information that the article was misbranded in that statements on its label, and included in the circular accompanying it, falsely and fraudulently represented it as a preventive of consumption and pneumonia and as a remedy for croup, whooping cough, la grippe, and all affections of the throat and lungs, when, in truth and in fact, it was ot.

On September 19, 1916, the defendant company entered a plea of guilty to the information. and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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5023. Misbranding of "Gilbert's Gravel Root Compound." U. S. * * * v. Thomas H. Gilbert (T. H. Gilbert Drug Co.). Plea of guilty. Fine, $100. (F. & D. No. 6694. I. S. No. 7148–e.)

On October 30, 1915, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas H. Gilbert, trading as the T. H. Gilbert Drug Co., Huntsville, Ala., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about December 17, 1912, from the State of Alabama into the State of Tennessee, of a quantity of an article labeled in part, "Gilbert's Gravel Root Compound," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Lithium as Li_2SO_4 (grams per 100 cc)	0.07
Benzoic acid (grams per 100 cc)	0.33
Alcohol (per cent by volume)	14.71
Pichi: Indicated.	
Emodin: Present.	
Cascara: Indicated.	
Licorice: Indicated.	
Juniper: Indicated.	

Misbranding of the article was alleged in the information for the reason that statements appearing on its label falsely and fraudulently represented it as a remedy for Bright's disease, dropsy, diabetes, and gravel, all cases of catarrh of the bladder, impotency, impaired eyesight, chronic catarrh of the head, rheumatism, indigestion, dyspepsia, catarrh of the stomach, headache, sleeplessness, neuralgia, diseases of the urinary organs, such as nonretention or incontinence of the urine, inflammation of the kidneys and ulceration of the kidneys, all cases of chronic catarrh of the bladder and diseased prostate glands, and for gravel and stone in the bladder, when, in truth and in fact, it was not.

On October 10, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5026. Adulteration of wheat bran. U. S. * * * v. 400 Sacks of Wheat Bran. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6701. I. S. No. 15834–k. S. No. C–264.)

On July 6, 1915, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of wheat bran, remaining unsold in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped, on or about May 5, 1915, by the Hunter-Robinson-Wenz Milling Co., St. Louis, Mo., and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * Wheat Bran * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance.

On November 16, 1916, the said Hunter-Robinson-Wenz Milling Co., claimant, having admitted the allegations contained in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and upon the filing of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that said bran should be used solely for the purposes of feed for hogs, and that no part of same should be used for any other purpose.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5027. Adulteration of tomatoes. U. S. * * * v. 23 Cases * * * Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6722. I. S. No. 3183-k. S. No. E-348.)

On July 16, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the supreme court of said District, holding a District Court, a libel for the seizure and condemnation of 23 cases of strained tomatoes, shipped March 8, 1915, by the Fort Stanwix Canning Co., Rome, N. Y., alleging that the product was being offered for sale in the District of Columbia and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Apple Blossom Brand—Polpa di Pomidoro Made from Tomato Cores, Skins, and Trimmings. Per Minestra, Sauces, etc. Serial No. 4803. Contents 11 oz. Ft. Stanwix Canning Co. Principal office, Rome, N. Y. Apple Blossom Brand Strained Tomato Made from Tomato Cores, Skins, and Trimmings. For Soup, Sauces, etc." Some of the cans bore the following statements: "Made from Tomatoes, Pieces of Tomatoes, and Tomato Trimmings. If not used promptly after opening can, empty contents into glass or enameled dish."

Adulteration of the article was alleged in the libel for the reason that it consisted, in part and in whole, of a filthy, decomposed, and putrid animal and vegetable substance.

On November 3, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5028. Misbranding of "Strange's Rheumatic Remedy." U. S. * * * v. Howell M. Strange. Plea of guilty. Fine, $50. (F. & D. No. 6735. I. S. No. 14218–k.)

On April 8, 1916, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against Howell M. Strange, Birmingham, Ala., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about March 29, 1915, from the State of Alabama into the State of Tennessee of a quantity of an article labeled in part, "Strange's Rheumatic Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Water soluble as sodium bicarbonate (per cent)	73.92
Water insoluble (carbonates present) (per cent)	27.50
(calculated to magnesium oxid) (per cent)	12.31

Product is essentially a mixture of sodium bicarbonate and magnesium carbonate.

It was charged in substance in the information that the article was misbranded for the reason that statements appearing on its label and included in the circular or pamphlet accompanying it falsely and fraudulently represented it as a rheumatic remedy, as a remedy for muscular rheumatism and stomach trouble, such as dyspepsia and indigestion, for regulating urinary and kidney troubles and purifying the blood, and as a cure for stomach and kidney troubles, rheumatism, indigestion, dyspepsia, and salt rheum, when in truth and in fact it was not.

On September 12, 1916, the defendant entered a plea of guilty to the information and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5029. Misbranding of "Wm. Radams Microbe Killer." U. S. * * * v. 8 Cases of "Wm. Radams Microbe Killer." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6737. I. S. No. 17551-k. S. No. W-54.)

On July 15, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing 6 bottles, of "Wm. Radams Microbe Killer," remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been delivered for shipment, on or about July 12, 1915, by Wm. Radams Chemical Co., Berkeley, Cal., and was in course of transportation from the State of California into the Territory of Hawaii, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in substance in the libel that the article was misbranded for the reason that statements on its label falsely and fraudulently represented it as the great digestive blood purifier and tonic; and as a sane, safe, sure remedy for blood and chronic diseases; and, when drunk in glassful doses, as a destroyer of the microbes without injury to the system, thereby preventing and eradicating disease, whereas, in truth and in fact, it was not.

On August 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5030. Misbranding of "Molasses Fat Maker." U. S. * * * v. American Milling Co., a corporation. Plea of nolo contendere. Fine, $250 and costs. (F. & D. No. 6739. I. S. Nos. 12828–h, 13504–k, 13506–k, 13507–k, 13509–k, 13511–k.)

On May 2, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Milling Co., a corporation doing business at Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 9, September 29, September 3, October 21, September 9, and December 4, 1914, from the State of Illinois into the State of Indiana, of quantities of an article labeled in part, "Molasses Fat Maker," which was misbranded.

Analyses of a sample of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

The shipment of September 9, 1914.

Moisture (per cent)	13.54
Protein (nitrogen x 6.25) (per cent)	8.94
Ether extract (per cent)	2.45

The shipment of September 29, 1914.

Moisture (per cent)	14.0
Protein (nitrogen x 6.25) (per cent)	8.38
Ether extract (per cent)	1.80

The shipment of September 3, 1914.

Moisture (per cent)	12.4
Protein (nitrogen x 6.25) (per cent)	9.05
Ether extract (per cent)	2.17

The shipment of October 21, 1914.

Moisture (per cent)	14.8
Protein (nitrogen x 6.25) (per cent)	8.22
Ether extract (per cent)	1.55

The shipment of September 9, 1914.

Moisture (per cent)	10.77
Protein (nitrogen x 6.25) (per cent)	8.50
Ether extract (per cent)	2.33

The shipment of December 4, 1914.

Moisture (per cent)	16.2
Protein (nitrogen x 6.25) (per cent)	8.33
Ether extract (per cent)	2.27

It was alleged in substance in the information that the article in each shipment was misbranded for the reason that the statement, to wit, "American Milling Co., Peoria, Ill., Guarantees this Molasses Fat Maker to contain not less than 4% Crude Fat, 10% Crude Protein," borne on its label, was false and misleading in that it represented that said article contained not less than 4 per cent of crude fat and not less than 10 per cent of crude protein, and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 4 per cent of crude fat and not less than 10 per cent of crude protein, whereas, in truth and in fact, said article did contain less than 4 per cent of crude fat and less than 10 per cent of crude protein.

On October 16, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $250 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5031. Adulteration of eggs. U. S. * * * v. ½ Barrel * * * Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6753. I. S. No. 17550-k. S. No. W-57.)

On July 20, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of ½ barrel containing 80 pounds desiccated eggs, consigned by C. Fred Lamont, Dallas, Tex., on or about June 22, 1915, and remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped and transported from the State of Texas into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy decomposed animal substance.

On August 3, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5032. Adulteration and alleged misbranding of evaporated apples. U. S. * * * v. George Appleby and Charles W. Appleby (Appleby Bros.). Pleas of guilty to counts 1, 3, 5, 7, 9, and 11 of information. Fine, $15 and costs. Remaining counts nol-prossed. (F. & D. No. 6768. I. S. Nos. 9153–h, 11517–k, 11010–k, 11519–k, 11516–k, 12575–k, 11545–k.)

On March 11, 1916, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Appleby and Charles W. Appleby, trading as Appleby Bros., Fayetteville, Ark., alleging shipments from the State of Arkansas by said defendants, in violation of the Food and Drugs Act, on or about April 17, 1914, into the State of Texas; on September 2, 1914, into the State of Oklahoma; on August 31, 1914, into the State of Oklahoma; on September 10, 1914, into the State of Oklahoma; on September 24, 1914, into the State of Oklahoma; on September 18, 1914, into the State of Kansas; and on November 25, 1914, into the State of Tennessee, of quantities of evaporated apples which were adulterated and misbranded. The shipments, except that on November 25, 1914, were labeled in part: "Our Best Quality Sliced Evaporated Apples." The shipment on November 25, 1914, was labeled in part: "10 Ounces Net Weight New Crop Evaporated Sliced Apples * * *" and "One Pound New Crop Evaporated Sliced Apples * * *."

Analyses of samples of the article in all these shipments, except the shipment on November 25, 1914, by the Bureau of Chemistry of this department, showed that it contained an excessive amount of moisture.

Adulteration of the article, except that in the shipment on November 25, 1914, was alleged in counts 1, 3, 5, 7, 9, and 11 of the information for the reason that a certain substance—to wit, water—had been mixed and packed with said article, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted, in whole or in part, for evaporated apples, which said article purported to be.

Misbranding of the article in all of the shipments, except that on November 25, 1914, was alleged in counts 2, 4, 6, 8, 10, and 12 of the information, for the reason that it was a partially dried apple product, containing an excessive amount of moisture, and was offered for sale under the distinctive name of another article, to wit, evaporated apples; and misbranded for the further reason that the following statement appearing on the labels aforesaid, to wit, "Evaporated Apples," was false and misleading in that it indicated to purchasers thereof that said article consisted of evaporated apples; and for the further reason that it was labeled, "Evaporated Apples," so as to deceive and mislead purchasers thereof into the belief that the article consisted of evaporated apples, when, in truth and in fact, it did not, but did consist of, to wit, a partially dried apple product, containing an excessive amount of moisture.

Analysis of sample of the article shipped on November 25, 1914, by the Bureau of Chemistry of this department showed an average weight of 8.90 ounces for 9 of the cartons labeled 10 ounces, or 11.0 per cent shortage, and an average weight of 14.07 ounces for 9 cartons labeled 1 pound, or 12.1 per cent shortage.

Misbranding of this article was alleged in count 13 of the information, for the reason that the following statements regarding it and the ingredients and substances contained therein appearing on the labels aforesaid, to wit, "One Pound" and "10 Ounces Net Weight," were false and misleading, in that they indicated to purchasers thereof that the boxes contained 1 pound and 10 ounces, respectively, of the said article of food; and for the further reason that the packages containing the same were labeled, "One Pound" and "10 Ounces

Net Weight," so as to deceive and mislead purchasers into the belief that the said packages contained 1 pound and 10 ounces, respectively, of the said article of food, when, in truth and in fact, the said packages did not, but did contain a less amount thereof.

On June 19, 1916, the defendants entered pleas of guilty to counts 1, 3, 5, 7, 9, and 11 of the information, and the court imposed a fine of $15 and costs. Counts 2, 4, 6, 8, 10, 12, and 13 were nol-prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5033. Adulteration and alleged misbranding of evaporated apples. U. S. * * * v. James F. Ladd and Clarence A. Ladd (Ladd Bros.). Pleas of guilty to counts 1 and 3 of information. Fine, $5 and costs. Other counts nol-prossed. (F. & D. No. 6777. I. S. Nos. 9185–h, 11553–k.)

On March 27, 1916, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James F. Ladd and Clarence A. Ladd, trading as Ladd Bros., Fayetteville, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 17, 1914, from the State of Arkansas into the State of Texas, and on or about November 24, 1914, from the State of Arkansas into the State of Kansas, of quantities of evaporated apples which were adulterated and misbranded. They were contained in wooden cases which were labeled in part: "Star Brand Evaporated Apples—Packed by Ladd Bros., Fayetteville, Ark."

Analyses of samples of the article in both shipments by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture.

Adulteration of the article in both shipments was alleged in counts 1 and 3 of the information for the reason that a certain substance—to wit, water—had been substituted, in whole or in part, for evaporated apples, which the article purported to be.

Misbranding was alleged in counts 2 and 4 for the reason that the following statement regarding the article, or the ingredients or substances contained therein, appearing on the labels aforesaid, to wit, "Evaporated Apples," was false and misleading in that it indicated to purchasers thereof that said article consisted of evaporated apples, and for the further reason that it was labeled, "Evaporated Apples," so as to deceive and mislead purchasers into the belief that said article of food consisted of evaporated apples, when, in truth and in fact, said article did not consist of evaporated apples but did consist of, to wit, a partially dried apple product containing an excessive amount of moisture. Misbranding was alleged for the further reason that the article was a partially dried apple product containing an excessive amount of moisture, and was offered for sale under the distinctive name of another article, to wit, evaporated apples.

On June 19, 1916, the defendants entered pleas of guilty to counts 1 and 3 of the information, and the court imposed a fine of $5 and costs. Counts 2 and 4 were nol-prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5034. Adulteration and misbranding of "Gem Scratch Feed," "Manna Superb Chick Feed," and "Manna Rice Special Chick Feed." U. S. * * * v. Edgar-Morgan Co., a corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 6798. I. S. Nos. 6478–h, 6479–h, 6480–h.)

On September 27, 1916, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Edgar-Morgan Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 16, 1914, and March 30, 1914, from the State of Tennessee into the State of Georgia, of quantities of feed which was adulterated and misbranded. The various shipments were labeled in part: "* * * Manna Superb Chick Feed * * * Made from Wheat, Kaffir, Millett and Corn * * *. M'f'd by Edgar-Morgan Co., Memphis, Tenn." "* * * Manna Rice Special Chick Feed * * *, Wheat, Rice, Millet and Kaffir Corn * * *, M'f'd by Edgar-Morgan Co., Memphis, Tenn." "* * * Gem Scratch Feed * * *, Corn, Wheat, Kaffir, Sunflower, Buckwheat, Barley, Oats * * *, Fat 3.5% * * *, M'f'd by Edgar-Morgan Co., Memphis, Tenn."

Analysis of a sample of the "Manna Superb Chick Feed" by the Bureau of Chemistry of this department showed that it contained kafir, corn, millet, wheat, and at least 5 per cent of weed seeds, and a trace of sunflower seed.

Adulteration of the article was alleged in the information for the reason that a substance—to wit, weed seeds—had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for chick feed, an article consisting exclusively of wheat, kafir, millet, and corn, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Made from Wheat, Kaffir, Millet and Corn," borne on the tags attached to the bags containing the article was false and misleading in that it represented that said article was made exclusively from wheat, kafir, millet, and corn, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made exclusively from wheat, kafir, millet, and corn, whereas, in truth and in fact, it was not, but was made from kafir, corn, millet, wheat, and weed seeds.

Analysis of a sample of the "Manna Rice Special Chick Feed" by said Bureau of Chemistry showed that it contained millet, kafir corn, rice, wheat, and at least 10.8 per cent of weed seeds.

Adulteration of this article was alleged in the information for the reason that a substance—to wit, weed seeds—had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for "Manna Rice Special Chick Feed," an article consisting exclusively of wheat, rice, millet, and kafir corn, which the article purported to be.

Misbranding was alleged for the reason that the statement—to wit. "Wheat, Rice, Millet and Kaffir Corn"—borne on the tags attached to the bags containing the article was false and misleading in that it represented that said article consisted exclusively of wheat, rice, millet, and kafir corn, and was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article consisted exclusively of wheat, rice, millet, and kafir corn, whereas, in truth and in fact, it did not, but consisted of wheat, rice, millet, kafir corn, and weed seeds.

Analysis of a sample of the "Gem Scratch Feed" by said bureau of Chemistry showed that it contained oats, sunflower seed, corn, wheat, barley, kafir corn, and at least 6.1 per cent of weed seeds, and 2.3 per cent of ether extract.

Adulteration of this article was alleged in the information for the reason that a substance, to wit, weed seeds, had been mixed and packed with the article, so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for "Gem Scratch Feed," an article consisting exclusively of corn, wheat, barley, kafir, sunflower, buckwheat, and oats, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fat 3.5%," borne on the tags attached to the bags containing the article, and the statement, to wit, "Corn, wheat, kafir, sunflower, buckwheat, barley, oats," borne on the bag, were false and misleading, in that they represented that said article contained 3.5 per cent of fat and that said article consisted exclusively of corn, wheat, kafir, sunflower, buckwheat, barley, and oats, whereas, in truth and in fact, it did not, but did contain a less amount of fat—to wit, 2.3 per cent of fat—and did consist of corn, wheat, kafir corn, barley, sunflower seed, oats, and weed seeds.

On December 23, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5035. Misbranding of "Baur's Diamond Brand Bromides." U. S. * * * v. The Liquid Carbonic Co., a corporation. Plea of guilty. Fine, $10. (F. & D. No. 6799. I. S. No. 11354-k.)

On October 3, 1916, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Liquid Carbonic Co., a corporation doing business at Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 29, 1914, from the State of Minnesota into the State of South Dakota, of a quantity of an article labeled in part, "Baur's 'Diamond Brand' Bromides * * * ," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Volatilized at 100° C. (per cent)	6.5
Ash (per cent)	26.5
Alkalinity of ash calculated as sodium bicarbonate (per cent)	32.2
Magnesium as magnesium sulphate U. S. P. (per cent)	17.7
Caffeine (per cent)	0.17
Chlorid as sodium chlorid (per cent)	0.46
Bromid	Trace.
Citric acid (per cent)	33.3

Preparation is a granular effervescent salt, containing chiefly sodium bicarbonate, citric acid, Epsom salts, and small amount of caffeine.

In was charged in substance in the information that the article was misbranded in that the statement, "Bromides," on the label, was false and misleading in that it falsely represented that the article was composed of bromids; and further, in that the article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was composed entirely or substantially of bromids; whereas, in truth and in fact, it was not, but was composed almost entirely of ingredients and substances other than bromids, and contained only a trace of bromids.

On October 17, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5036. Adulteration and alleged misbranding of evaporated apples. U. S. * * * v. William J. Hamilton, Administrator * * *. Plea of guilty to counts 1, 3, 5, 7, 9, and 11 of information. Fine, $15 and costs. Other counts nol-prossed. (F. & D. No. 6822. I. S. Nos. 9189–h, 11515–k, 11522–k, 11525–k, 11549–k, 12728–k.)

On December 2, 1915, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William J. Hamilton, administrator of the estate of A. C. Hamilton, deceased, trading variously as A. C. Hamilton & Co., the Ozark Apple Co., and the Western Evaporating Co., Fayetteville, Ark., alleging shipments from the State of Arkansas by said defendant, in violation of the Food and Drugs Act, on or about April 3, 1914, into the State of Texas; August 20, 1914, into the State of Oklahoma; September 28, 1914, into the State of Texas; October 19, 1914, into the State of Missouri; September 22, 1914, into the State of Texas; and September 23, 1914, into the State of Kansas, of quantities of evaporated apples, which were adulterated and misbranded. The shipment of April 3, 1914, was labeled in part: "New Crop Evaporated Apples. Western Brand. Packed by Western Evaporating Co., Fayetteville, Arkansas. * * *" The shipment on August 20, 1914, was labeled in part: "New Crop Ulster Brand Evaporated Apples * * * Packed by A. C. Hamilton & Co. Fayetteville, Ark. * * *" The shipment on September 28, 1914, was labeled in part: "Fancy Evaporated Apples. New Crop. * * *" The shipment on October 19, 1914, was labeled in part: "* * * Western Brand * * * Evaporated Apples Ozark Apple Company, Fayetteville, Ark. * * *" The shipment on September 22, 1914, was labeled: "Evaporated Apples Ozark Brand * * * packed by the Ozark Apple Co. Fayetteville, Arkansas." The shipment on September 23, 1914, was labedel: "Evaporated Apples * * * New Crop Ulster Brand Packed by A. C. Hamilton & Company, Fayetteville, Arkansas. * * *."

Analyses of samples of the articles in all these shipments by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture.

Adulteration of the article was alleged in counts 1, 3, 5, 7, 9, and 11 of the information, for the reason that a certain substance—to wit, water—had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in counts 2, 4, 6, 8, 10, and 12, for the reason that the following statement, appearing on the labels aforesaid, to wit, "Evaporated Apples," was false and misleading, in that it indicated to purchasers thereof that said article of food consisted of evaporated apples, and for the further reason that it was labeled, "Evaporated Apples," so as to deceive and mislead purchasers into the belief that it consisted of evaporated apples, when, in truth and in fact, it did not, but did consist of, to wit, a partially dried apple product containing an excessive amount of moisture. Misbranding was alleged for the further reason that said article was a partially dried apple product containing an excessive amount of moisture, and was sold under the distinctive name of another article, to wit, evaporated apples.

On June 19, 1916, the defendant entered a plea of guilty to counts 1, 3, 5, 7, 9, and 11 of the information, and the court imposed a fine of $15 and costs. Counts 2, 4, 6, 8, 10, and 12 were nol-prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5037. Adulteration and misbranding of wine. U. S. * * * v. Cosimo Catalano. Plea of nolo contendere. Fine, $20 and costs. (F. & D. No. 6851. I. S. Nos. 17933-h, 17935-h, 17936-h, 17938-h.)

On February 18, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cosimo Catalano, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 3, 1914, and March 26, 1914 (3 shipments), from the State of Ohio into the State of New York, of quantities of an article invoiced as "Wine," which was adulterated and misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

	No. 1.	No. 2.	No. 3.	No. 4.
Solids (by drying) (grams per 100 cc)	2.62	2.75	2.72	1.82
Alcohol (per cent by volume)	7.10	8.24	9.50	10.90
Nonsugar solids (grams per 100 cc)	2.26	2.55	2.33	1.60
Acid as tartaric (grams per 100 cc)	0.80	0.80	0.78	0.58
Fixed acids as tartaric (grams per 100 cc)	0.61	0.59	0.57	0.46
Total tartaric acid (grams per 100 cc)	0.29	0.27	0.25	0.23
Free tartaric acid (grams per 100 cc)	None.	None.	None.	None.
Cream of tartar (grams per 100 cc)	0.06	0.07	0.06	0.04
Tartaric acid to alkaline earths (grams per 100 cc)	0.24	0.22	0.21	0.20
Ash (grams per 100 cc)	0.29	0.30	0.28	0.26
Alkalinity soluble ash (cc. N/10 acid per 100 cc)	3.0	3.80	3.0	2.5
Alkalinity insoluble ash (cc. N/10 acid per 100 cc)	19.0	19.0	18.0	15.20
Coal-tar color	None.	Amaranth.	Amaranth.	None.

Sample No. 1. An inferior product, probable second pressing or pomace wine.

Sample No. 2. An inferior product, artificially colored, probably second pressing or pomace wine.

Sample No. 3. An inferior product, artificially colored, probably second pressing or pomace wine.

Sample No. 4. An inferior product, probable second pressing or pomace wine.

Adulteration of the article in the shipment of April 3, 1914, and of one of the shipments of March 26, 1914, was alleged in the information for the reason that an imitation wine had been substituted, wholly or in part, for wine, which the article purported to be. Adulteration of the wine in the other two shipments of March 26, 1914, was alleged for the reason that an imitation wine had been substituted, wholly or in part, for wine, which the article purported to be; and for the further reason that the product was an inferior article, to wit, an imitation wine, and had been colored in a manner whereby its inferiority was concealed.

Misbranding of the article in each shipment was alleged for the reason that it was an imitation wine, and was offered for sale under the distinctive name of another article, to wit, wine.

On January 31, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5038. Adulteration and misbranding of "Fluid Extract for Mistra' Vegetal Compound." U. S. * * * v. Antonio Valsecchi. Plea of guilty. Fine, $5. (F. & D. No. 6901. I. S. No. 17841–k.)

On June 22, 1916, the United States attorney for the southern district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Antonio Valsecchi, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 15, 1915, from the State of New York into the State of Utah, of a quantity of an article labeled in part, "Fluid Extract for Mistra' Vegetal Compound," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ethyl alcohol (per cent by volume)	1.6
Methyl alcohol (per cent by volume)	75.5
Essential oil (per cent by volume)	23.4
Total solids (mostly resinous matter from essential oil) (grams per 100 cc)	4.0

Qualitative tests indicate that the essential oil consists of a mixture of oil of fennel and oil of anise; product is essentially a solution of oil of fennel and oil of anise in methyl alcohol.

Adulteration of the article was alleged in the information for the reason that a certain substance—to wit, methyl alcohol—had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that the article contained an added poisonous and deleterious ingredient—to wit, methyl alcohol—which might render it injurious to health.

Misbranding was alleged for the reason that the article consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 13, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5039. Adulteration and misbranding of "Heroin Hydrochl," "Cocaine Hydrochlor," and "Heroin and Terpin Hydrate No. 2." U. S. * * * v. Diamond Pharmacal Co., a corporation. Plea of guilty. Fine, $75. (F. & D. No. 6981. I. S. Nos. 1236–l, 1237–l, 1238–l, 1256–l, 1257–l, 1258–l.)

On July 10, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Diamond Pharmacal Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 28, 1915, and December 2, 1915, from the State of Pennsylvania into the State of New Jersey, of quantities of "Heroin Hydrochl," "Cocaine Hydrochlor," and "Heroin and Terpin Hydrate No. 2," which were adulterated and misbranded. The "Heroin Hydrochl" was labeled in part: "* * * Heroin Hydrochl. 1–50 Grain * * *."

Analysis of a sample from the shipment on October 28, 1915, by the Bureau of Chemistry of this department showed the following result:

Heroin hydrochlorid (grain per tablet)..... 0.011

Analysis of a sample from the shipment on December 2, 1915, showed the following result:

Heroin hydrochlorid (grain per tablet)..... 0.01

Adulteration of the article in both shipments was alleged in the information for the reason that it was sold as and for tablets each containing one-fiftieth grain of heroin hydrochlorid, and its strength and purity fell below the professed standard and quality under which it was sold in that each tablet did not contain one-fiftieth grain of heroin hydrochlorid.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label—to wit, "Heroin Hydrochl. 1–50 Grain"—was false and misleading in that it indicated to purchasers thereof that each of said tablets contained one-fiftieth grain of heroin hydrochlorid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that each of the said tablets contained one-fiftieth grain of heroin hydrochlorid, when, in truth and in fact, each did not, but contained a less amount thereof.

The "Cocaine Hydrochlor" was labeled in part: "* * * Cocaine Hydrochl. 1–8 Grain * * *."

Analysis of a sample from the shipment on October 28, 1915, by said Bureau of Chemistry showed the following result:

Cocaine hydrochlorid (grain per tablet)..... 0.048

Analysis of a sample from the shipment on December 2, 1915, showed the following result:

Cocaine hydrochlorid (grain per tablet)..... 0.05

Adulteration of the article in both shipments was alleged in the information for the reason that it was sold as and for tablets each containing one-eighth grain of cocaine hydrochlorid, and its strength and purity fell below the professed standard and quality under which it was sold in that each of the said tablets did not contain one-eighth grain of cocaine hydrochlorid.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label—to wit, "Cocaine Hydrochl. ⅛ Grain"—was false and misleading in that it indicated to purchasers thereof that each of said tablets contained one-eighth grain of cocaine hydrochlorid; and for the further reason that it was

labeled as aforesaid, so as to deceive and mislead purchasers thereof into the belief that each of said tablets contained $\frac{1}{8}$ grain of cocaine hydrochlorid, when, in truth and in fact, each did not, but contained a less amount thereof.

The "Heroin and Terpin Hydrate No. 2" was labeled in part: "* * * Heroin and Terpin Hydrate No. 2 Heroin $\frac{1}{24}$ grain. Terpin Hydrate $2\frac{1}{2}$ grain. * * *."

Analysis of a sample from the shipment on October 28, 1915, by said Bureau of Chemistry showed the following results:

Heroin (grain per tablet)	0.016
Terpin hydrate (grains per tablet)	1.43

Analysis of a sample from the shipment of December 2, 1915, showed the following results:

Heroin hydrochlorid (grain per tablet)	0.012
Terpin hydrate (grains per tablet)	1.55

Adulteration of the article in both shipments was alleged in the information for the reason that it was sold as and for tablets each containing one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate, and its strength and purity fell below the professed standard and quality under which it was sold in that each of said tablets did not contain one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label—to wit. "Heroin $\frac{1}{24}$ Gr. Terpin Hydrate $2\frac{1}{2}$ Gr."—was false and misleading in that it indicated to purchasers thereof that each of said tablets contained one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate; for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that each of said tablets contained one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate, when, in truth and in fact, each did not, but contained less amounts thereof.

On September 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $75.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5040. Adulteration of tomato stock. U. S. * * * v. 550 Cases of Tomato Stock. Tried to the court and a jury. Verdict for Government. Judgment of condemnation, forfeiture, and destruction. Claimant ordered to pay costs. (F. & D. No. 6983. I. S. No. 3210–l. S. No. E–455.)

On November 8, 1915, the United States attorney for the eastern district of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 550 cases of tomato stock, consigned by Greenabaum & Bros., a corporation, Seaford, Del., remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped and transported from the State of Delaware into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aurora Brand * * * Tomato Stock Made from Tomatoes and Juice Expressed from Parings. Packed by Greenabaum Bros., Seaford, Sussex Co., Del."

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance—to wit, decayed and decomposed tomatoes and parts thereof.

On November 15, 1915, the said Greenabaum Bros., a corporation, claimant, filed its answer to the libel, and thereafter, at the November, 1916, term of said district court, the case having come on for hearing before the court and a jury and said claimant having failed to appear to defend the action, after the submission of evidence on behalf of the Government and a charge by the court, the jury returned a verdict in favor of the Government, and thereafter, on November 13, 1916, a formal decree of condemnation and forfeiture was entered in conformity with the verdict of the jury, and it was ordered by the court that the product be destroyed by the United States marshal and the said claimant pay the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5041. Adulteration of paregoric. U. S. * * * v. Joseph D. Coblentz (Coblentz Pharmacy). Plea of guilty. Fine, $20. (F. & D. No. 6992. I. S. No. 22380–h.)

On April 24, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Joseph D. Coblentz, trading as the Coblentz Pharmacy, Washington, D. C., alleging the sale by said defendant at the District aforesaid, on June 3, 1914, in violation of the Food and Drugs Act, of a quantity of paregoric, which was misbranded. The article was labeled in part: "Coblentz Pharmacy Established 1890. Paregoric Alcohol 46½, Opium 1.9 gr. to ounce. N. Capitol St. & Florida Ave., N. W., Washington, D. C." (Blown in bottle): "Coblentz Pharmacy Established 1890 Washington, D. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 0.64 grain of opium per fluid ounce.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of said article, in that said article contained approximately 1.4 grams of powdered opium per 1,000 cubic centimeters, whereas said Pharmacopœia provides that it shall contain not less than 4 grains of powdered opium per 1,000 cubic centimeters, and for the further reason that the standard of strength, quality, and purity of said article was not declared on the container thereof.

On April 24, 1916, the defendant entered a plea of guilty to the information and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5042. Adulteration and alleged misbranding of paregoric and adulteration of soap liniment. U. S. * * * v. Charles F. Berkeley. Plea of guilty. Fine, $30. (F. & D. No. 6993. I. S. Nos. 4589–h, 4590–h, 22399–h.)

On April 27, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Charles F. Berkeley, Washington, D. C., alleging the sale by said defendant at the District aforesaid, in violation of the Food and Drugs Act, on April 15, 1914, and June 18, 1914, of a quantity of paregoric which was adulterated and alleged to have been misbranded, and on April 15, 1914, of a quantity of soap liniment which was adulterated. The paregoric was labeled in part: "Paregoric Each Fluid Ounce contains Alcohol 46.5% Powdered opium 1.9 Grs. * * *."

Analysis of a sample of the paregoric from the sale on April 15, 1914, by the Bureau of Chemistry of this department, showed that it contained 1.24 grains of opium per fluid ounce. Analysis of a sample of the article from the sale on June 18, 1914, showed that it contained approximately 3 grams of powdered opium per 1,000 cubic centimeters.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of investigation of the said article, in that it contained approximately 3 grams of powdered opium per 1,000 cubic centimeters, whereas said Pharmacopœia provides that it should contain not less than 4 grams of powdered opium per 1,000 cubic centimeters, and the standard of strength and quality and purity of said article was not declared on the container thereof.

Analysis of a sample of the soap liniment by said Bureau of Chemistry showed that it contained not over 1.89 grams of camphor per 100 cubic centimeters.

Adulteration of this article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the said article, in that it contained 18.9 grams of camphor per 1,000 cubic centimeters, whereas the said Pharmacopœia provides that it should contain not less than 45 grams of camphor per 1,000 cubic centimeters, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

On April 27, 1916, the defendant entered a plea of guilty to the first, third, and fifth counts of the information charging adulteration, and the court imposed a fine of $30. Counts two and four of the information were nol-prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5043. Misbranding and alleged adulteration of paregoric, sweet spirits of nitre, and soap liniment, U. S. * * * * * v. William H. Jackson and William W. Whipps (Jackson & Whipps). Pleas of guilty to counts 2, 4, and 6 of the information. Fine, $30. Counts 1, 3, and 5 nol-prossed. (F. & D. No. 7003. I. S. Nos. 22117-h, 22118-h, 25808-h.)

On July 11, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against William H. Jackson and William W. Whipps, copartners, trading as Jackson & Whipps, Washington, D. C., alleging the sale by said defendants at the District aforesaid, in violation of the Food and Drugs Act, on June 22, 1914, of a quantity of paregoric, and on April 15, 1914, of quantities of sweet spirits of niter and soap liniment, which were misbranded and alleged to have been adulterated. The paregoric was labeled in part: "Paregoric U. S. P. Contains * * * 1.9 grs. Powd. Opium to ounce. Jackson & Whipps * * *, 1513—7th St. NW. * * *, Wash., D. C. * * *." The sweet spirits of niter was labled in part: "Sweet Spts Nitre, U. S. P. Contains * * * 17.5 grs. Ethyl Nitrite in oz. Jackson & Whipps, * * *, 1513—7th St. NW. * * *, Wash., D. C. * * *." The soap liniment was labeled in part: "Soap Liniment Contains 68.8% alcohol. Jackson & Whipps * * *, 1513—7th St. NW. * * *, Wash., D. C. * * *."

Analysis of a sample of the paregoric by the Bureau of Chemistry of this department showed that it contained 1.3 grains of opium per fluid ounce.

Analysis of a sample of the sweet spirits of niter by said Bureau of Chemistry showed that it contained 0.42 per cent ethyl nitrite.

Analysis of a sample of the soap liniment by said Bureau of Chemistry showed the following results:

Total alcohol (per cent by volume)	42.8
Methyl alcohol (per cent by volume) (Leach & Lythgoe's method)	18.6
Ethyl alcohol (per cent by volume)	24.2

Misbranding of the paragoric was alleged in the information for the reason that the statements on the label thereof, to wit, "Paregoric U. S. P." and "Contains * * * 1.9 grs. Powd. Opium to ounce," were false and misleading in that they represented that the article was paregoric which conformed to the standard as prescribed by the United States Pharmacopœia, and that it contained 1.9 grains of powdered opium to the fluid ounce, whereas, in truth and in fact, it was not paregoric according to the standard prescribed by the said Pharmacopœia, and did not contain 1.9 grains of powdered opium to the fluid ounce, but contained a less amount, to wit, 1.3 grains of powdered opium per fluid ounce.

Misbranding of the sweet spirits of niter was alleged for the reason that the statements, to wit, "Sweet Spts. Nitre. U. S. P." and "Contains * * * 17.5 grs. Ethyl nitrite in oz.," were false and misleading in that they represented that said article was sweet spirits of niter which conformed to the standard as prescribed by the United States Pharmacopœia, and that it contained 17.5 grains of ethyl nitrite to the fluid ounce, whereas, in truth and in fact, it was not sweet spirits of niter according to the standard prescribed by said pharmacopœia, and it did not contain 17.5 grains of ethyl nitrite to the fluid ounce, but contained a less amount—to wit, 1.6 grains of ethyl nitrite per fluid ounce.

Misbranding of the soap liniment was alleged for the reason that the statement, to wit, "Contains 68.8% alcohol," borne on the label thereof, was false and misleading in that it falsely represented that said article contained 68.8 per cent of ethyl alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 36.86 per cent of ethyl alcohol.

On July 11, 1916, the defendants entered pleas of guilty to counts 2, 4, and 6 of the information charging misbranding of the article and the court imposed a fine of $30. Counts 1, 3, and 5 of the information, charging adulteration of the articles, were nol-prossed.

(While it was alleged in the information that the soap liniment contained 36.86 per cent of ethyl alcohol, it will be noted that the analysis shows that it contained 24.2 per cent by volume of ethyl alcohol and 18.6 per cent by volume of methyl alcohol.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

5044. Adulteration of oysters. U. S. * * * v. 22 Containers of Oysters. Default decree by condemnation, forfeiture, and destruction. (F. & D. Nos. 7005, 7006. I. S. Nos. 1453–h, 1454–h, 1455–h, 1456–h, 1457–h, 1458–h, 1459–h, 1460–h, 1461–h, 1462–h. S. No. E–437.)

On October 22, 1915, the United States attorney for the district of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel of information praying the seizure and condemnation of 22 containers of oysters, consigned on October 21, 1915, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the M. Dewing Co., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel of information for the reason that is consisted in part of a filthy, putrid, and decomposed animal substance.

On January 25, 1917, proclamation having been made and default noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5045. Adulteration of oysters. U. S. * * * v. 1 Tub of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7007. I. S. Nos. 2136–l 2137–l. S. No. E–439.)

On October 23, 1915, the United States attorney for the district of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 1 tub of oysters, consigned on October 23, 1915, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Rocky Point Oyster Co., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On January 25, 1917, proclamation having been made and default noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5046. Adulteration of oysters. U. S. * * * v. 5 Containers of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7008. I. S. Nos. 2131–l, 2132–l, 2133–l, 2134–l, 2135–l. S. No. E–465.)

On October 23, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 5 containers of oysters, consigned on October 23, 1916, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Rocky Point Oyster Co., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On January 25, 1917, proclamation having been made and default noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5047. Adulteration of tomato ketchup. U. S. * * * v. 50 Cases * * * 5 Barrels * * * and 30 Jugs * * * of Tomato Ketchup. Consent decree of condemnation, forfeiture, and destruction. Empty containers released on payment of costs. (F. & D. No. 7022. I. S. Nos. 10794–l, 10795–l. S. No. C–378.)

On November 15, 1915, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 4 dozen bottles; 5 barrels, each containing 22 dozen bottles; and 30 jugs of tomato ketchup, consigned on or about September 30, 1915, by the A. W. Colter Canning Co., Mount Washington, Ohio, and remaining unsold in the original unbroken packages at Covington, Ky., alleging that the article had been shipped and transported from the State of Ohio into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * 'Colter' Tomato Catsup * * *."

Adulteration of the article was alleged in the libel for the reason that it contained and in part consisted of a decomposed vegetable matter.

On December 6, 1915, the said A. W. Colter Canning Co., claimant, having admitted the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the containers thereof should be released to said claimant, against whom the costs of the proceedings were assessed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5048. Adulteration and misbranding of cottonseed meal. U. S. * * * v. The Bartlett Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 7032. I. S. No. 13514–k.)

On March 24, 1916, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bartlett Co., a corporation, Jackson, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 10, 1914, from the State of Michigan into the State of Indiana, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "Bartlett Creamo Brand Cotton Seed Meal * * *. Protein 25 to 35 per cent, Carbohydrates (Sugar and Starch) 35 per cent * * * Guaranteed not less than 20 per cent protein * * * J. E. Bartlett Co., Jackson, Mich."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Protein (per cent)	19.63
Sugar and starch (per cent)	3.45

At least 56 per cent of hulls present.

Adulteration of the article was alleged in the information, for the reason that a certain substance—to wit, cottonseed hulls—had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

It was charged in substance in the information that the article was misbranded, for the reason that the statements regarding the article and the ingredients, and substances contained therein, appearing on the labels, to wit, "* * * Cottonseed Meal," "Protein 25 to 35 per cent," "Guaranteed not less than 20 per cent Protein" and "Carbohydrates (Sugar and Starch), 35 per cent," were false and misleading, in that they represented to purchasers thereof that article consisted wholly of cottonseed meal; that it contained between 20 and 35 per cent of protein and 35 per cent of sugar and starch; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it consisted wholly of cottonseed meal; that it contained between 20 and 35 per cent of protein and 35 per cent of sugar and starch, when, in truth and in fact, it did not, but consisted of, to wit, a mixture of cottonseed meal and hulls, in approximately equal proportions, and contained 19.63 per cent of protein and contained 3.45 per cent of sugar and starch.

On January 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5049. Misbranding and alleged adulteration of manteca. U. S. * * * v. Edible Products Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 7051. I. S. No. 2366-k.)

On March 20 and Nov. 13, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Edible Products Co., a corporation doing business at New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on February 20, 1915, from the State of New York into the island of Porto Rico, of a quantity of manteca, which was misbranded and alleged to have been adulterated. The article was labeled in part: "Manteca Artificial * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 10.63 per cent of water.

It was charged in substance in the information that the article was misbranded for the reason that the statement, "Manteca Artificial," appearing on its label was false and misleading in that it indicated that the article was pure manteca or lard substitute, and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser, being labeled, "Manteca Artificial," thereby indicating that it was pure manteca or lard substitute, whereas, in truth and fact, it was not, but was a compound to which water had been added.

On November 15, 1916, the defendant company entered a plea of guilty to the information filed on November 13, 1916, charging misbranding, and the court imposed a fine of $25. On November 20, 1916, a nolle prosequi was entered to the information filed on March 20, 1916, charging adulteration.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5050. Adulteration and misbranding of fernet-branca. U. S. * * * v. Alba Wine Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 7055. I. S. No. 26503–h.)

On July 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alba Wine Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 24, 1914, from the State of New York into the State of Connecticut of a quantity of fernet-branca, which was adulterated and misbranded. The article was labeled in part: (Main label) "Fernet-Branca Dei Fratelli Branca E Comp."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it was not genuine fernet-branca bitters.

Adulteration of the article was alleged in the information for the reason that an imitation product of domestic manufacture had been substituted wholly for genuine fernet-branca, a product of Italy, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Fernet-Branca dei Fratelli E Comp. Milano, Via Broletto N. 35, vinno alla Chiesardi" and "Fernet-Branca Fili Branca-Milan * * * Sole Importers for the United States," borne on the labels, regarding the article and the ingredients and substance contained therein, were false and misleading, in that they indicated that it was a foreign product, to wit, fernet-branca, manufactured in the Kingdom of Italy; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was genuine fernet-branca manufactured in the Kingdom of Italy, whereas, in truth and in fact, it was not, but was a product of domestic origin, to wit, an imitation fernet-branca, manufactured in the United States of America. Misbranding was alleged for the further reason that the article was a product of domestic origin, to wit, an imitation fernet-branca manufactured in the United States of America, and was offered for sale under the distinctive name of another article, to wit, genuine fernet-branca manufactured in the Kingdom of Italy; and for the further reason that the statements aforesaid, together with certain designs and devices, borne on the labels thereof, and the shape and style of the bottle, purported that said article was a foreign product—to wit, genuine fernet-branca manufactured by Branca Brothers & Co., at Milan, in the Kingdom of Italy—whereas, in truth and in fact, it was not, but was a product of domestic origin, to wit, an imitation fernet-branca manufactured in the United States of America.

On November 20, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 5051–5100.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 2, 1917.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

5051. Adulteration of oysters. U. S. * * * v. Jerome Diggs. Plea of guilty. Fine, $10. (F. & D. No. 7066. I. S. No. 3431–l.)

On March 15, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Jerome Diggs, Washington, D. C., alleging the sale by said defendant, on December 14, 1915, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Liquor (per cent)	30.9
Meat (per cent)	69.1

Analysis of meat.

Loss on boiling (per cent)	60.2
Solids (per cent)	12.23
Chlorids as sodium chlorid (per cent)	0.20
Ash (per cent)	0.60
Chlorids in liquor as sodium chlorid (per cent)	0.27

These results show the substitution of a material amount of water for oysters.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that a certain substance, to wit, water, had been substituted in part for oysters, which the article purported to be.

On March 15, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5052. Adulteration and misbranding of "Pure Northern Ohio Sugar." U. S. * * * v. Northern Ohio Syrup and Manufacturing Co., a corporation. Plea of nolo contendere. Fine, $35 and costs. (F. & D. No. 7069. I. S. No. 7398-h.)

On March 8, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northern Ohio Syrup and Manufacturing Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 25, 1914, from the State of Ohio into the State of Michigan, of a quantity of maple sugar which was adulterated and misbranded. The article was labeled in part: "Pride of Northern Ohio Sugar. * * *" and "Pure Northern Ohio Sugar Northern Ohio Syrup & Mfg. Co., Cleveland, O."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the followings results:

Solids by refraction (per cent)	94.16
Nonsugar solids (per cent)	2.86
Sucrose, Clerget (per cent)	86.45
Reducing sugars as invert (per cent)	4.85
Commercial glucose (factor 163): Absent.	
Polarizations:	
Direct at 26° C	+84.9° V
Invert at 26° C	−27.2° V
Invert at 87° C	0.0
Total ash (per cent)	0.80
Ash soluble in water (per cent)	0.76
Ash insoluble in water (per cent)	0.04
Ratio soluble to insoluble ash	19.
Alkalinity soluble ash (cc N/10 acid per 100 grams)	180.
Lead precipitate (Winton number)	0.61
Organoleptic test: Taste unlike maple.	

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brown sugar, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and [had] been substituted, in whole or in part, for maple sugar, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Northern Ohio Sugar," borne on the shipping package, and the statement, to wit, "Pride of Northern Ohio Sugar," borne on the package, were false and misleading in that they represented that said article was maple sugar; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it was maple sugar, whereas, in truth and in fact, it was not, but was a product consisting, in whole or in part, of brown sugar. Misbranding was alleged for the further reason that it was an imitation of maple sugar and was not labeled, branded, or tagged so as plainly to indicate that it was an imitation, and the word, "imitation," was not plainly stated on the package in which it was sold.

On January 31, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $35 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5053. Adulteration and alleged misbranding of evaporated apples. U. S. * * * v. William M. Simpson and Ardivan R. Mintun (Simpson-Mintun Co.). Pleas of guilty. Fine, $5 and costs. (F. & D. No. 7102. I. S. Nos. 11534–k, 12493–k.)

On April 3, 1916, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William M. Simpson and Ardivan R. Mintun, trading as the Simpson-Mintun Co., Fayetteville, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 25, 1914, from the State of Arkansas into the State of Texas, and on or about September 27, 1914, from the State of Arkansas into the State of Minnesota, of quantities of evaporated apples which were adulterated and misbranded. The first shipment was labeled in part: "* * * Pride Brand Sliced Evaporated Apples * * * Simpson Mintun Co. Fayetteville, Ark." The second shipment was labeled in part: "Favorite Brand Sliced Evaporated Apples. * * * Excelsior Dried Fruit Co. Fayetteville, Ark."

Analyses of samples of the article in both shipments by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture.

Adulteration of the article in both shipments was alleged in counts 1 and 3 of the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for evaporated apples, which the article purported to be.

Misbranding was alleged in counts 2 and 4 of the information for the reason that the following statement regarding the article and ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Evaporated Apples," was false and misleading in that it indicated to purchasers thereof that said article consisted of evaporated apples; and for the further reason that said article was labeled, "Evaporated Apples," so as to deceive and mislead purchasers into the belief that it consisted of evaporated apples, when, in truth and in fact, it did not, but did consist of a partially dried apple product containing an excessive amount of moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, evaporated apples.

On June 19, 1916, the defendants entered pleas of guilty to counts 1 and 3 of the information, and the court imposed a fine of $5 and costs. A nolle prosequi was entered as to counts 2 and 4.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5054. Adulteration of evaporated apples. U. S. * * * v. William J. Hamilton (A. C. Hamilton & Co.). Plea of guilty. Fine, $2.50 and costs. (F. & D. No. 7123. I. S. No. 11544–k.)

On February 26, 1916, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William J. Hamilton, trading as A. C. Hamilton & Co., Fayetteville, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 31, 1914, from the State of Arkansas into the State of Kansas, of a quantity of evaporated apples which were adulterated. The article was labeled in part: "* * * Evaporated Apples * * * New Crop. Ulster Brand, Packed by A. C. Hamilton & Company, Fayetteville, Arkansas. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for evaporated apples, which the article purported to be.

On June 19, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $2.50 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5055. Adulteration and misbranding of evaporated apples. U. S. * * * v. J. W. Teasdale & Co., a corporation. Plea of guilty. Fine, $140. (F. & D. No. 7135. I. S. Nos. 7174–h, 7175–h, 9186–h, 9187–h, 9188–h, 7579–h, 7577–h.)

On September 13, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. W. Teasdale & Co., a corporation, doing business at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on July 3, 1914, from the State of Missouri into the State of Louisiana, and on June 4, 1914, from the State of Missouri into the State of Texas, of quantities of evaporated apples which were adulterated and misbranded. The shipments were variously labeled in part: "Star Brand Evaporated or Dried Product of Apples * * *." "Monarch Brand Evaporated or Dried Product of Apples * * *." "Sunset Brand Evaporated or Dried Product of Apples * * *." "Royal Brand Evaporated or Dried Product of Apples * * *." "Grandma's Brand Evaporated or Dried Product of Apples * * *."

Analysis of a sample of the article in each shipment by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein appearing on the label, to wit, "Evaporated * * * Apples," was false and misleading in that it indicated to purchasers thereof that the said article consisted wholly of evaporated apples, and for the further reason that the article was labeled, "Evaporated * * * Apples," so as to deceive and mislead the purchasers into the belief that it consisted of evaporated apples, when, in truth and in fact, it did not, but consisted of a partially dried apple product containing an excessive amount of moisture, and was misbranded further in that it was a partially dried apple product containing an excessive amount of moisture, and was offered for sale under the distinctive name of another article, to wit, evaporated apples.

On September 25, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $140.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5056. Adulteration of jam. U. S. * * * v. 17 Buckets of Assorted Jams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7147. I. S. No. 20244–l. S. No. W–82.)

On January 4, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 buckets of assorted jams, consigned by John Rothschild & Co., Honolulu, Hawaii, and remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been shipped on or about December 1, 1915, and transported from the Territory of Hawaii into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On March 23, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be destroyed by the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5057. Misbranding of cognac. U. S. * * * v. Herman L. Rosenthal and Edward S. Rosenthal (S. Rosenthal & Co.). Pleas of guilty. Fine, $20. (F. & D. No. 7152. I. S. No. 7377–h.)

On July 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman L. Rosenthal and Edward S. Rosenthal, copartners, trading as S. Rosenthal & Co., New York, N. Y., alleging shipment by said defendants, on February 17, 1914, in violation of the Food and Drugs Act, from the State of New York into the State of Michigan, of a quantity of cognac which was misbranded. The article was labeled in part: "* * * Cognac * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a brandy.

It was charged in substance in the information that the article was misbranded for the reason that the statement, to wit, "Cognac," borne on the cap of said bottle, and "Roseval Freres et Cie," together with the design of three stars, borne on the label attached to said bottle, regarding the article and the ingredients and substances contained therein, were false and misleading in that they indicated that the article was a product of foreign origin, to wit, a brandy produced in the Cognac district of France; and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was a product of foreign origin, to wit, a brandy produced in the Cognac district of France; and for the further reason that said statements and design purported that said article was a foreign product, to wit, cognac, a brandy produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was an article of domestic origin, to wit, a product made in the United States of America.

On November 6, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5058. Adulteration of sardines. U. S. * * * v. 300 Cases of Sardines. Consent decree of condemnation and forfeiture. Goods released on bond. (F. & D. No. 7187. I. S. No. 1953–l. S. No. E–537.)

On January 27, 1916, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of sardines, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about December 1, 1915, by the Seacoast Canning Co., Eastport, Me., and transported from the State of Maine into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Continental-American Sardines Packed in cottonseed oil * * *. Packed by Seacoast Canning Co., Eastport, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On June 29, 1916, the Seacoast Canning Co., a corporation, Eastport, Me., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the sardines should be examined by a duly authorized representative of the Department of Agriculture, and that the portion found free of adulteration should be delivered to said claimant upon the payment of the costs of the proceedings, and that the remaining portion should be destroyed by the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5059. Adulteration of pork and beans. U. S. * * * v. 735 Cases of Pork and Beans. * * * 350 Cases of Pork and Beans. * * * 144 Cases of Pork and Beans. * * * 138 Cases of Pork and Beans. Tried to the court and a jury. Verdict in favor of Government. Judgment of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7330, 7337, 7340, 7371. I. S. Nos. 10139–l, 11555–l, 11556–l, 12240–l, 12441–l, 12442–l, 12443–l, 12445–l, 12449–l, 12453–l. S. Nos. C–471, C–475, C–478, C–480, C–482, C–485, C–487, C–506.

On April 19, 1916, April 21, 1916, April 29, 1916, and May 6, 1916, the United States attorney for the Western District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying for the seizure and condemnation of 735 cases, 350 cases, 144 cases, and 138 cases of pork and beans, remaining unsold in the original unbroken packages at Shelby, Mich., and which had been shipped during the months of January and February, 1916, by the Oceana Canning Co., Shelby, Mich., and transported from the State of Michigan to various places in the States of Illinois and Missouri, and were reshipped to said company at Shelby, Mich., during the month of April, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged, in substance, in the libels for the reason that it consisted, in whole or in part, of a filthy and decomposed vegetable substance.

On June 6, 1916, the Oceana Canning Co., a corporation, Shelby, Mich., filed its answer denying the allegations of the libel. On October 31, 1916, the case having come on for trial before the court and a jury, after submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Sessions, *D. J.*):

Gentlemen of the jury, at the outset you should disabuse your minds of any feeling or belief that by this suit the Government is making an attack upon the bean industry or the canning industry of this state. An impression seems to have been sought to be created that in this proceeding the Government is attacking one of the important industries and businesses of this state. That is not true in any sense or to any degree, and the verdict and judgment in this case, whatever they may be, will not in anywise affect the business of the bean grower, the bean dealer or the bean packer, and will not in anywise affect the industry or product of any other canning concern than the claimant, the Oceana Canning Company, and will not affect its industry in any way except as to the canned pork and beans involved in these particular shipments. No claim is made and no charge is made by the Government that the processes employed in canning pork and beans are defective, or that there is anything wrong with them.

The specific claim that is made by the Government in this case is that in the packing and canning of the particular pork and beans involved in this controversy beans of an inferior and defective grade, or of an inferior and defective stock, were obtained and used, and that the beans were so inferior and so defective that they were partly decomposed and rotten and came within the ban of the Act of Congress known as the Food & Drugs Act, the purpose of which was and is to protect the public against deception, imposition and injury with relation to foods and drugs. That is the issue and the only issue in this case.

Congress in its wisdom has seen fit to prohibit the transportation in interstate commerce (that is, from one state to another) of adulterated foods, and Congress has declared in unequivocal and unambiguous terms what shall constitute adulterated foods. Congress has seen fit to enact that adulterated food shall not be permitted to go into the channels of interstate commerce; that it shall be forfeited and condemned and, so far as the Government can prevent, shall not be permitted to be consumed by the public.

In this consolidated case—and it is four suits consolidated into one and treated as one suit—the Government seeks to condemn and forfeit 1169 cases and 58 cans of pork and beans which were manufactured or canned by the Claimant, the Oceana Canning Company, at Shelby, Michigan, and which were

transported in interstate commerce; and its right to forfeit and condemn the product involved in this controversy is based upon the claim that these cans of pork and beans consisted in whole or in part of decomposed vegetable substances, or a decomposed vegetable substance.

This is not a criminal case. The Government does not seek the conviction and punishment of any person or corporation for the commission of a criminal offense; and therefore, the rules of evidence applicable to criminal trials do not prevail in this proceeding. As you all know, in a criminal case the Government, or the people, must establish a case beyond a reasonable doubt to warrant a conviction. That is not true in this case, because it is not a criminal suit. This is a civil suit, but it is of an unusual nature, in that the Government does not here seek to recover a money judgment or to recover property for itself. It does seek to condemn and forfeit certain articles of food which it claims are within the prohibition of the Act of Congress known as the Food & Drugs Act. So that in this case the Government is not required to establish its cause of action by evidence which satisfies you of its right to recover beyond a reasonable doubt. It is necessary, to warrant a verdict in favor of the Government that it shall have established its case and each and every essential element thereof by a fair preponderance of the evidence, and by evidence which is clear and satisfactory and convincing to you. No greater burden than that rests upon the Government. To warrant a verdict in its favor the Government must have so established,—

First, that the article sought to be condemned is a food or a food product;

Second, that it has been transported in interstate commerce, that is from one state to another;

Third, that at the time of its seizure, having been transported, it was still in the unbroken or original package, or unloaded; and,

Fourth, that at the time of the shipment and seizure the article was adulterated within the meaning and purview of the Act of Congress here under consideration.

The first three elements of the Government's cause of action are established by the evidence in the case. It does appear by the undisputed evidence that canned pork and beans are articles of food. It does appear by the undisputed evidence that the cans of pork and beans, or cases of pork and beans involved in this controversy have been transported in interstate commerce. It does appear that at the time of their seizure by the Government they were still unloaded or in the original and unbroken packages.

So that the sole question for your determination is whether, within the meaning and purview of the Food & Drugs Act of Congress, these cans of pork and beans were adulterated.

Something has been said with relation to the pork and beans in controversy being unfit for food, or deleterious to health if consumed by human beings. Those are questions with which you have no concern; those are questions which are not involved in this controversy, and they are matters which do not constitute an element of the Government's cause of action which it is required to establish.

Again, Congress in its wisdom and in its discretion and in the exercise of its power has declared the rule and the standard in those regards. In certain sections of the Food & Drugs Act, Congress has seen fit to provide that before the Government will be entitled to condemn or forfeit the article under consideration and in controversy it must establish that the article is deleterious to health. The term "unfit for food" is not used in the Statute; but in the section and provision of the Statute here involved Congress has declared what the rule shall be, and has not limited or restricted the right of condemnation and confiscation to such articles of food as are found to be adulterated to an extent to render them deleterious to health. In other words, as I have said, Congress has made the rule and established the standard and has declared that any article of food which consists in whole or in part of a decomposed vegetable substance shall be deemed adulterated and shall not be permitted to go into the channels of interstate commerce. Thus the issue is narrowed to the one question: Did the cans of pork and beans involved in this controversy, and which have been seized by the Government, at the time of their seizure, consist in whole or in part of a decomposed vegetable substance?

The term "decomposed" as it appears in this Act of Congress is not confined to its technical or scientific definition. Strictly speaking, or scientifically speaking, an article may be said to be decomposed when it is broken down, when it is separated into its constituent elements; but as the term is here used that is

not the final test. If it were, foods which are produced by the decomposition of some other food substance would be within the ban of the statute. To illustrate, I think we all know, as a matter of common knowledge, that sauer kraut is produced and manufactured partially by the decomposition of cabbage, and yet sauer kraut is a food and it is not decomposed so as to be within the prohibition of this Statute, or the meaning of the term as it is used in this Statute. In the same way butter, and cheese, and buttermilk result from the decomposition of milk, and yet they are not decomposed or adulterated articles of food. So that there must be some other or some additional meaning of this term "decomposed," as it is used in this Act of Congress; and it means decayed, or rotten as these terms are commonly and ordinarily understood. I think nothing can be added to that definition that would be of aid or assistance to the jury. You all know what is commonly meant by a decayed or rotten vegetable substance.

It has been said in the course of the argument that that being true there was no necessity for the testimony of experts and scientists in this case. That conclusion does not follow at all from the premise. The testimony of the experts and the scientists who have testified in this case is of great importance to you in determining the question which is presented to you for your determination. I think I may safely say that we all know a rotten apple, or a partially rotten apple, when we see it, if it has decayed and become rotten to such an extent that the decay or rot is visible or can be detected by the senses. But I doubt if any one of your number would be able to tell or define what produced the rot in the apple, or the kind of rot that existed in the apple, or what its effect might be upon another vegetable; I doubt if any one of you could tell what it consisted of, or whether it was a mold or a fungus growth. Those matters are not within our ordinary experience, and it becomes important for us to learn from those who are versed in such matters what the cause of the rot is, what produces it, and then applying the information so obtained to this particular case it enables us, and will enable you, to determine whether the beans contained in the cans of pork and beans involved in this controversy were decayed or rotten or partially so. So that in determining the question presented to you it will be your duty carefully to consider all of the testimony and all of the evidence in this case, that on the part of experts as well as that on the part of non-experts.

Something has been said in this case as to there being a difference between dry rot and wet rot. The Statute does not recognize any such difference. You have all in your experience and in your observation seen and found rot that was not a so-called wet rot, and yet it may have been rot. While I am not an expert, I presume to say that the question of whether a rot is a dry rot or a wet rot depends pretty largely upon the nature of the substance upon which it is acting. We have all of us seen rotten wood, which was not a wet rot; nevertheless it was a true rot and we could all tell it if we saw it. We have all of us seen both dry and wet rots in vegetables of different kinds. So that the test in this case is not whether this was a dry rot or a wet rot which affected these beans, nor is the test whether the rot was active or inactive at the time of the seizure of the beans. The test is, was a part of the substance of which those cans of pork and beans consisted rotten or decayed at that time; not whether it was wet or dry, or active or inactive, but under the testimony in the case it is for you to determine whether a part of the beans in those cans were decomposed or partially decomposed, and whether the cans of pork and beans consisted partially of decomposed beans.

Some other terms used in this Statute ought to be defined. The term "consists of" is employed. That term means something more than the word "contains." The term "contains" ordinarily means something added to or embraced within the original substance. The term "consists of" as here employed means, a part of or a constitutent element of the product; in other words, there must be something more than a trace of rottenness in these beans. There must be such an amount or such a degree of rottenness in the beans as to be definable, measurable, and appreciable. It need not be of any particular degree, but it must be something that can be found substantially in the article of food under consideration.

At the risk of inaccuracy and mistake as to details, but for the purpose of aiding you if I can to a correct conclusion in this case, I will try and give you some illustrations of the effect of this statute as regards the transportation in interstate commerce of adulterated foods. A carload of potatoes is shipped in interstate commerce; a few of the potatoes in that carload are rotten. You would at once say that the Government would not be justified in condemning

that whole carload of potatoes because a few of the potatoes therein were decomposed and rotten; because decomposition, to some extent, is going on all the time in a vegetable of that kind after it has ceased to grow. Why may it be true that a carload of potatoes containing a few rotten potatoes is not subject to forfeiture and condemnation? As I view the law this is the reason and the foundation for it: In that instance each potato is a unit, and each potato is treated by itself before it is used or consumed as an article of food, and each potato must be so treated, that is, by itself, before it is consumed. But suppose that that carload of potatoes as a whole, the good and the bad and the sound and the rotten, was converted into potato flour, and there was in the potato flour made from that carload of potatoes an appreciable and definable and substantial amount of rotten potatoes, that flour would be subject to condemnation and forfeiture. And why? Because the rotten substance therein, or the decayed substance therein is not capable of separation from the rest of the mass and it is all to be consumed by the consumer. I am simply giving you this as a rough illustration. In the same way a barrel of apples containing a few rotten apples might not be subject to condemnation, at least we have not that question here before us for determination. But suppose that the entire barrel of apples, the sound and the rotten, were converted into apple sauce, or apple butter, or apple jelly, and the rotten substance derived from the rotten apples in that apple sauce, and apple butter, and apple jelly, was an appreciable, measurable and definable amount, then that food product would be subject to condemnation and forfeiture if it was transported in interstate commerce.

The same way with tomatoes. A crate of tomatoes containing a few rotten tomatoes might not be subject to condemnation and forfeiture; but if those tomatoes, the rotten and the sound, the good and the bad, were manufactured into tomato pulp or tomato catsup, then the rotten substance therein could not be separated from the sound, from the wholesome; the unadulterated could not be separated from the adulterated, and the whole mass would become adulterated and liable to confiscation if shipped in interstate commerce. To go a step further, if you had a carload, we will say, of ears of corn and some of the ears of corn to an amount that would be definable and appreciable and measurable were rotten and decayed, the Government might not have the right to condemn that whole carload of corn—I do not say that it would not, but at least it might not; but certainly if that corn was shelled and the whole carload of corn, including the rotten and the sound, was converted into cornmeal for human consumption and then shipped in interstate commerce it would be liable to condemnation. And to bring the illustration to this case: Field beans as they come from the field, some of them discolored—if decomposed, and that is the question for you to determine—in the dry state might not be subject to confiscation or condemnation if shipped by the farmer or the warehouseman in interstate commerce, for the reason that it appears by the evidence in this case that those beans are treated, they are picked in order to separate the discolored beans from the white beans, and we all know, as a matter of common knowledge, that whether beans have been hand-picked or mechanically picked, when they come to the housewife and the cook they are picked over before they are cooked and placed upon the table for consumption. For that reason and because the good may be separated from the bad, it may be that beans that are field run or cull beans, designed to be used as a food product, may not be subject to condemnation in the dry state. But when those beans are canned, processed, and if those discolored beans are decayed or rotten,—and as I have said that is the question for you to determine—if they are decomposed within the meaning of this statute, then the can of beans becomes the unit, and in the ordinary course of consumption the discolored beans are not separated from the white beans and the whole mass is consumed, the discolored with the others. So that if discolored beans are decomposed within the meaning of this statute, then such a can of beans transported in interstate commerce comes within the ban of this statute.

It is not necessary for the Government to show that there were any beans in any of these cans which were wholly decomposed or rotten, because if a bean is partly decomposed and partly rotten, that rotten part which goes into the can is a decomposed substance just as much as the whole bean would be if entirely discolored. I do not mean that it would be the same quantity, but the decomposed part would still be decomposed, notwithstanding that it did not affect the entire bean.

So that the issue is a narrow one. It is for you to say from the evidence in this case: Did these cans of pork and beans as they were canned, as they were

shipped in interstate commerce, as they were seized by the Government, consist in part of a decomposed vegetable substance? In other words, were the beans, some of them, contained in these cans of pork and beans, partly rotten or decayed? That is the question for you to determine. If you find from the evidence in the case that these cans of pork and beans consisted in part of a decomposed vegetable substance, your verdict will be in favor of the Government. If you find that they did not your verdict will be in favor of the Claimant.

In form your verdict will be, if you find for the Government: We find for the Government and that the canned pork and beans ought to be condemned. If you find for the Claimant: We find for the Claimant and that the canned pork and beans ought not to be condemned.

Mr. Clerk, you may swear an officer.

Mr. MASTER. We desire to except to the charge of the Court which eliminates the elements of unfitness for food and deleteriousness to health as not constituting an element of the issue in this case. Also, on account thereof, that the issue is narrowed to one question.

We desire to except to the illustrations given relative to the potatoes in the car of potatoes; the apples and apple jelly; tomatoes and tomato catsup, as being within the ban of the Statute, when there is no reference to unfitness for food or deleteriousness to health.

We desire to except to the refusal of the Court to charge as asked for by Claimant in its additional requests to charge and numbered 1 to 12 inclusive.

We desire to except to that portion of the charge which states that the decomposition involved did not depend on whether the rot was active or inactive.

Mr. WALKER. I don't know whether I ought to take any exceptions at all; it would be simply to the failure to give the Government's requests to charge as preferred, 1, 2, and 3. The other three were covered by the general charge, and I think perhaps these were.

The jury then retired and after due deliberation returned a verdict for the Government, finding the product adulterated as alleged, and thereupon a formal decree of condemnation and forfeiture was entered November 8, 1916, and thereafter, on February 2, 1917, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, amounting to $875.37, and the execution of a bond in the sum of $3,000, in conformity with section 10 of the act.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5060. Adulteration and misbranding of cognac brandy essence. U. S. * * * v. Antonio Valsecchi. Plea of guilty. Fine, $5. (F. & D. No. 7188. I. S. No. 3202-k.)

On July 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonio Valsecchi, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 9, 1914, from the State of New York into the State of New Jersey, of a quantity of cognac brandy essence which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Total alcohol (per cent by volume)---------- 62.72
Ethyl alcohol: None.
Methyl alcohol (per cent by volume)---------- 62.72
Color: Caramel.
Flavor: Oil of juniper berries.

Analysis shows the product to be a diluted solution of methyl alcohol, flavored and colored.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, methyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, methyl alcohol, which might render said article injurious to health.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, on the label, to wit, "Brandy Cognac-Brandy * * * Directions. First mix carefully alcohol and water, and after ten minutes add the extract and shake strongly * * *," not corrected by the statements in inconspicuous type on the label, to wit, "Compound flavor" and "artificially . . . colored," were false and misleading in that they indicated to purchasers thereof that said article consisted of a genuine cognac brandy essence or extract; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the said article consisted of a genuine cognac brandy essence or extract, when, in truth and in fact, it did not, but did consist of, to wit, an artificially colored imitation flavor for use in the preparation of imitation brandy.

On November 13, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5061. Adulteration and misbranding of grape juice. U. S. * * * v. Theonett & Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 7194. I. S. No. 14862–k.)

On April 24, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theonett & Co. (Inc.), a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 4, 1915, from the State of Illinois into the State of Missouri, of a quantity of grape juice which was adulterated and misbranded. The article was labeled: (Neck label on bottle.) "Preserved with about 30-1000 of 1% of Sulphur Dioxide Modified and Sweetened with Cane Sugar." (Main label.) "Unfermented Catawba Grape Juice (Design of bunch of grapes) Theonett & Co. Chicago, Ill. Contents 1 Qt." (Tracing of case label) "Unfermented Catawba Grape Juice."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (from Brix) (grams per 100 cc)	19.42
Reducing sugar as invert before inversion (grams per 100 cc)	15.53
Sucrose by copper (grams per 100 cc)	2.42
Nonsugar solids (grams per 100 cc)	1.47
Ash (grams per 100 cc)	0.18
Alkalinity soluble ash (cc N/10 acid per 100 cc)	14.5
Alkalinity insoluble ash (cc N/10 acid per 100 cc)	4.1
Acidity as tartaric (grams per 100 cc)	0.63
Total tartaric acid (grams per 100 cc)	0.46
Free tartaric acid (grams per 100 cc)	0.19
Cream of tartar (grams per 100 cc)	0.27

The above results show that the product has been diluted with sugar solution.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, water and sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for unfermented grape juice, which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label of the shipping case, to wit, "Unfermented Catawba Grape Juice," was false and misleading in that it indicated to purchasers thereof that the article consisted of pure unfermented Catawba grape juice; and for the further reason that it was labeled, as aforesaid, so as to deceive and mislead purchasers thereof into the belief that said article consisted of pure unfermented Catawba grape juice, when, in truth and in fact, it did not, but did consist of, to wit, a mixture of grape juice, water, and sugar; and for the further reason that it was a mixture of, to wit, grape juice, sugar, and water, and was an imitation of and offered for sale under the distinctive name of another article, to wit, unfermented grape juice; and for the further reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the main label of the bottle and the label of the shipping case as aforesaid, to wit, "Unfermented Catawba Grape Juice," not corrected by the statement appearing on the neck label of

the bottle aforesaid, to wit, "Modified and Sweetened with Cane Sugar," were false and misleading in that they indicated to purchasers thereof that said article consisted wholly of Catawba grape juice and such as to deceive and mislead purchasers into the belief that said article consisted wholly of Catawba grape juice, when, in truth and in fact, it did not, but did consist of, to wit, a mixture of grape juice, sugar, and water.

On October 11 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5062. Adulteration of beans. U. S. * * * v. 250 Bags * * * of Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7199. I. S. No. 10128–l. S. No. C–421.)

On February 2, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 bags of beans, each bag weighing 165 pounds, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on May 6, 1915, by H. W. Carr Co., Saginaw, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance; further, in that it consisted in part of a filthy vegetable substance; further, in that it consisted in part of a decomposed animal substance; and further, in that it consisted in part of a filthy animal substance. Adulteration was alleged for the further reason that stones in an amount equivalent to 16 per cent of the contents of each bag had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and purity, and had been substituted for said article.

On August 18, 1916, the said H. W. Carr Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product found unfit for human food should be ground up for animal food and that the good portion should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, one of the conditions being that the product be repicked, at the expense of the claimant, under the supervision of a food and drug inspector of this department.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5063. Misbranding of "S. B. Cough & Consumption Remedy." U. S. * * * v. Blumauer-Frank Drug Co., a corporation. Plea of guilty. Fine, $100. (F. & D. No. 7217. I. S. No. 17271-k.)

On June 2, 1916, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blumauer-Frank Drug Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 2, 1915, from the State of Oregon into the State of Washington, of a quantity of an article labeled in part "S. B. Cough & Consumption Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution consisting essentially or morphine sulphate, chloroform, tar, sugar, and traces of umbelliferone-like principle.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing on its labels falsely and fraudulently represented it as a remedy for consumption, whooping cough, influenza, hoarseness, and anything which has a tendency toward consumption, when, in truth and in fact, it was not.

On August 12, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5064. Adulteration of beans. U. S. * * * v. 265 Bags * * * of Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7224. I. S. No. 11544–l. S. No. C–449.)

On February 15, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 265 bags of beans, each bag weighing 165 pounds, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on April 26, 1915, by H. W. Carr Co., Saginaw, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance; further, in that it consisted in part of a filthy vegetable substance; further, in that it consisted in part of a decomposed animal substance; and, further, in that it consisted in part of a filthy animal substance.

On August 24, 1916, the said H. W. Carr Co., claimant, having admitted the allegations contained in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that upon the payment by the claimant of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be repicked under the supervision of a representative of the Department of Agriculture, the portion found to be fit for human food should be delivered to said claimant, and that the remainder should be ground up for animal food under the supervision of the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5065. Adulteration of eggs. U. S. * * * v. Perfection Egg Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 7226. I. S. Nos. 1414–k, 1422–k.)

On June 29, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Perfection Egg Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 13, 1914, and on November 10, 1914, from the State of Illinois into the State of New York, of quantities of frozen whole eggs which were adulterated.

Analyses of samples from each shipment by the Bureau of Chemistry of this department indicated that they were partially decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of filthy and decomposed animal matter.

On October 10, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5066. Adulteration of beans. U. S. * * * v. Sabin I. Stump (Armada Elevator Co.). Plea of guilty. Fine, $50. (F. & D. No. 7227. I. S. No. 3047–k.)

On May 15, 1916, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sabin I. Stump, trading as the Armada Elevator Co., Armada, Mich., alleging the shipment by said defendant, in violation of the Food and Drugs Act, on or about March 8, 1915, from the State of Michigan into the State of Maryland, of a quantity of beans which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the production to be cull beans, a large proportion of which were partly moldy and at least one-half of the partly moldy beans were what are known as anthracnose beans.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a decomposed vegetable substance.

On December 13, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5067. Adulteration and misbranding of pie and tart filler. U. S. * * * v. Sunlit Fruit Co., a corporation. Plea of guilty. Fine, $40. (F. & D. No. 7244. I. S. Nos. 18377-k, 18378-k.)

At the July, 1916, term of the District Court of the United States for the Northern District of California the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said District Court an information against the Sunlit Fruit Co., a corporation, doing business at San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 15, 1915, from the State of California into the Territory of Hawaii, of quantities of raspberry and strawberry pie and tart filler which were adulterated and misbranded. The articles were labeled in part: "* * * Capitol Brand Pie and Tart Filler Product of Sunlit Fruit Co. Berkeley Cal. * * * Contains Fruit, Cane Sugar and Glucose 1-10 of 1 per cent Benzoate of Soda. * * * Raspberry" (or "Strawberry," as the case might be).

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the articles to be colored with a coal-tar dye, amaranth (S. & J. No. 107), and in addition to raspberry (or strawberry) the articles contained another fruit product, apparently apple.

Adulteration of the articles was alleged in the information for the reason that food products consisting in part of fruit other than raspberry (or strawberry) had been substituted, wholly or in part, for raspberry (or strawberry) pie and tart filler, which the articles, respectively, purported to be; and for the further reason that said articles were inferior to genuine raspberry (or strawberry) pie and tart filler, consisting in part of fruit other than raspberry (or strawberry), and were colored with a certain coal-tar dye, to wit, amaranth, whereby their inferiority to genuine raspberry (or strawberry) pie and tart filler was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Pie and Tart Filler Raspberry" (or "Strawberry"), regarding the articles and the ingredients and substances contained therein, were false and misleading in this, that they represented that said articles were genuine raspberry (or strawberry) pie and tart filler; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were genuine raspberry (or strawberry) pie and tart filler, whereas, in fact and in truth, they were not, but consisted in part of fruit other than raspberry (or strawberry).

On August 19, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $40.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5068. Adulteration and misbranding of malt sprouts. U. S. * * * v. Froedtert Malting Co., a corporation. Plea of guilty. Fine, $10. (F. & D. No. 7252. I. S. No. 14667-k.)

On July 19, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Froedtert Malting Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 8, 1915, from the State of Wisconsin into the State of Ohio, of a quantity of an article invoiced as malt sprouts which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 14 per cent of foreign matter consisting of chaff, malt, and weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, chaff, malt, and weed seeds, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in part for malt sprouts, which the article purported to be.

Misbranding was alleged for the reason that the article consisted of, to wit, a mixture of malt sprouts, chaff, malt, and weed seeds, and was offered for sale under the distinctive name of another article, to wit, malt sprouts.

On August 3, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5069. Adulteration and misbranding of sweet cider and strawberry soda. U. S. * * * v. Tip Top Bottling Co., a corporation. Plea of guilty. Fine, $70. (F. & D. No. 7256. I. S. Nos. 15252-k, 15253-k, 14798-k.)

On September 13, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tip Top Bottling Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 20, 1915, and July 30, 1915, from the State of Missouri into the State of Illinois, of quantities of sweet cider and of strawberry soda which were adulterated and misbranded. The sweet cider was labeled in part: "Sweet Cider Sweetened with cane sugar Product of Concentrated Pure Apple Juice Preserved with 1-2,000 part of Benzoate of Soda. Mfg. * * * by Tip Top Bottling Co. * * * 1424-32 N. Jefferson Ave. St. Louis, Mo."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	0.16
Total solids (grams per 100 cc)	11.21
Nonsugar solids (grams per 100 cc)	1.83
Reducing sugars direct after evaporation (grams per 100 cc)	3.98
Sucrose by copper (grams per 100 cc)	5.40
Ash (gram per 100 cc)	0.13
Total acidity as acetic (gram per 100 cc)	0.24
Total phosphoric acid (mg. per 100 cc)	6.2

Lead precipitate: Heavy.

Analysis shows that this product is a mixture of boiled cider and water. No declaration of net contents on package.

Adulteration of the article was alleged in the information for the reason that substances, to wit, water and boiled cider, had been mixed and packed therewith so as to lower, or reduce, and injuriously affect its quality, and had been substituted, in whole or in part, for sweet cider, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sweet Cider," borne on the label attached to the bottles containing the article, was false and misleading in that it represented that said article consisted exclusively of sweet cider; and for the further reason that said article was labeled as aforesaid so as to mislead and deceive the purchaser into the belief that it consisted exclusively of sweet cider, whereas, in truth and in fact, it did not, but consisted, in whole or in part, of boiled cider and water. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof. The strawberry soda was labeled, in part: "Strawberry Soda Colored and Flavored Artifically Mfg. * * * by Tip Top Bottling Co. 1424-32 N. Jefferson Ave. St. Louis, Mo. Contains 1 pt. 9 fl. oz. * * *".

Analysis of a sample of this article from the shipment on July 20, 1915, by said Bureau of Chemistry showed the following results:

Total solids (per cent)	5.4
Sucrose by Clerget (per cent)	3.4
Saccharin (per cent)	0.019

Saccharin qualitative test: Present.

Color, coal-tar dye present: Amaranth.

Average net volume of 3 bottles is 1 pint, 6.4 fluid ounces, or an average shortage of 10.4 per cent.

Analysis of a sample of this article from the shipment of July 30, 1915, showed the following results:

Total solids (grams per 100 cc)	5.68
Sucrose by Clerget	3.6
Saccharin (per cent)	0.011

Saccharin qualitative test: Present.

Color, coal-tar dye present: Amaranth.

Average net volume of 9 bottles is 1 pint, 6.7 fluid ounces, or an average shortage of 9.2 per cent. Analysis of samples from each shipment shows that the containers are short volume and that the preparation contains saccharin.

It was charged in substance in the information that the article in each shipment was adulterated for the reason that it contained an added deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Contains 1 pt. 9 fl. oz.," borne on the label on each bottle containing the article was false and misleading in that it represented that said bottle contained 1 pint 9 fluid ounces of the article, whereas, in truth and in fact, it did not, but contained a less amount.

On October 4, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $70.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

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5070. Adulteration and misbranding of cognac type brandy and fine old cognac. U. S. * * * v. Peter Del Santo (Universal Manufacturing Bitters Co.). Plea of guilty. Fine, $100 and costs. (F. & D. No. 6610. I. S. No. 5080–h.)

On March 23, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Peter Del Santo, trading as the Universal Manufacturing Bitters Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 9, 1914, from the State of Illinois into the State of Indiana, of quantities of an article contained in bottles and labeled in part, "Cognac Type Brandy" and "Fine Old Cognac," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Fine old cognac.	Cognac type.
Proof (degrees)	86.0	87.5
Solids (grams per 100 liters, 100 proof)	72.1	76.8
Total acids as acetic (grams per 100 liters, 100 proof)	5.6	5.5
Esters as acetic (grams per 100 liters, 100 proof)	6.1	6.0
Aldehydes as acetic (grams per 100 liters, 100 proof)	2.3	1.4
Furfural	None.	Trace.
Fusel oil (grams per 100 liters, 100 proof)	17.3	16.1
Each product consists largely of neutral spirits.		
100 proof)	7.5	7.4
Color (per cent insoluble in amyl alcohol)	77.0	68.0
Each product consists largely of neutral spirits.		

Adulteration of the article labeled, "Cognac Type Brandy," was alleged in the information for the reason that said article by its label purported to be a brandy of cognac type, a brandy of the type produced in the Cognac district of France, whereas, in truth and in fact, an imitation brandy of domestic origin, consisting largely of neutral spirits, had been substituted, in whole or in part, for brandy of cognac type.

Misbranding was alleged for the reason that the statement, to wit, "Cognac Type Brandy", borne on the label attached to the bottles, was false and misleading in that it represented the article to be a brandy of cognac type, a brandy of the type produced in the Cognac district of France, and for the further reason that it was labeled, "Cognac Type Brandy," so as to deceive and mislead the purchaser into the belief that it was a brandy of cognac type, a brandy of the type produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was an imitation brandy of domestic origin and consisting largely of neutral spirits.

Adulteration of the article labeled, "Fine Old Cognac," was alleged in the information for the reason that an imitation brandy of domestic origin, consisting largely of neutral spirits, had been substituted wholly for cognac, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cognac", borne on the label attached to the bottles, was false and misleading in that it represented the article to be cognac, a brandy produced in the Cognac district

of France; and for the further reason that it was labeled "Cognac", so as to deceive and mislead the purchaser into the belief that it was cognac, a brandy produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was an imitation brandy, consisting largely of neutral spirits and manufactured in the United States of America.

On March 7, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5071. Adulteration of ketchup. U. S. * * * v. Lewis Packing Co., a corporation. Plea of guilty. Fine, $500 (F. & D. No. 6726. I. S. Nos. 17549-k, 19005-k, 18380-k, 19020-k.)

At the July, 1916, term of the District Court of the United States for the Northern District of California, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said district court an information against the Lewis Packing Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of California into the Territory of Hawaii, of quantities of ketchup which was adulterated:

(1) On or about April 6, 1915, which shipment was labeled: (On end of keg) "Lewis Packing Co. San Francisco. Favorite Brand Catsup 1/5 of 1% Benzoate of Soda. Tomatoes, Sugar, Starch, Salt, Spices, Vinegar."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy and decomposed vegetable substance.

(2) On or about June 30, 1915, which shipment was labeled: "Our Favorite Tomato Catsup Made from whole ripe tomatoes thickened with cornstarch, flavored and preserved with sugar, salt, one-fifth of one per cent benzoate of soda, vinegar and pure spices, Lewis Packing Co. San Francisco, Cal. Net weight 6 lbs."

Analysis of a sample of the article by said Bureau of Chemistry showed it to be a filthy, decomposed vegetable substance.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy, putrid, and decomposed vegetable substance.

(3) On or about April 12, 1915, which shipment was labeled: (On end of keg) "Lewis Packing Co. San Francisco Favorite Brand Catsup 1/5 of 1% Benzoate of Soda Tomatoes, Sugar, Starch, Salt, Spices, Vinegar"

Analysis of a sample of the article by said Bureau of Chemistry showed it to be a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy and decomposed vegetable substance.

(4) On or about May 6, 1915, which shipment was labeled: (On end of keg) "Lewis Packing Co. San Francisco Favorite Brand Catsup. 1/5 of 1% of Benzoate of Soda Tomatoes, Sugar, Starch, Salt, Spices, Vinegar"

Analysis of a sample of the article by said Bureau of Chemistry showed it to be filthy and decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy and decomposed vegetable substance.

On September 28, 1916, the defendant company entered a plea of guilty to the information, and on October 3, 1916, the court imposed a fine of $500.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5072. Alleged adulteration and misbranding of oil of birch. U. S. * * * v. Valentine B. Bowers (New York Rackett Store). Plea of not guilty. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 7076. I. S. No. 1728-k.)

On February 17, 1916, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Valentine B. Bowers, trading as the New York Rackett Store, Elk Park, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 2, 1914, from the State of Tennessee into the State of New York, of a quantity of oil of birch, which was alleged to have been adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist largely of synthetic methyl salicylate with less than 25 per cent of true oil of birch.

Adulteration of the article was alleged in the information for the reason that methyl salicylate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted, in whole or in part, for oil of birch, which the article purported to be. Misbranding was alleged for the reason that the article consisted of, to wit, less than 25 per cent of oil of birch, and the balance methyl salicylate, and was an imitation of and offered for sale under the distinctive name of another article, to wit, oil of birch.

On September 19, 1916, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Sanford, *D. J.*):

GENTLEMEN OF THE JURY: This defendant is charged in this case with violation of the Food and Drugs Act, commonly called the Pure Food Law, charged by criminal information, which has the same effect as an indictment. It contains two counts, the first count charges that he shipped in interstate commerce, as oil of birch, a certain article of food which was adulterated in that it contained methyl salicylate, which had been mixed with it so as to injuriously reduce its quality and strength and in which methyl salicylate had been substituted in whole or in part for oil of birch [which] the article purported to be.

In the second count he is charged with shipping the same article of food which is alleged to have been misbranded in that it was a solution of oil of birch and offered for sale under the name of oil of birch. There is no dispute in this case about the fact that this defendant shipped these four cans, which contained the articles in question seized.

Now I charge you that if oil of birch, as from the proof, is an article which is used as one of the ingredients entering into the composition of root beer that then it is an article of food within the meaning of the Food and Drugs Act.

It has been testified to by the Government witness, the Chemist that an examination of these four cans showed that it was not composed exclusively of oil of birch but that about 75% of it was another substance known as methyl salicylate, at least 75%; oil of birch being the natural product resulting from the distillation of birch bark, methyl salicylate being what is called a synthetic product that as an artificial product made from coal tar. Now there is some question in this case as to whether or not methyl salicylate put in oil of birch would injuriously affect it, whether it makes any substantial difference in the food. You need not bother about that question, because it is immaterial because it is involved in another paragraph of the same first count. It is charged that it was substituted in whole or in part for oil of birch so that is sufficient. Now then, this defendant insists he sold it, offered it for sale as oil of birch. Now, of course the first thing for you to find is that oil of birch is an article of food, if you find it is an article of food, as I find it is, you have then got to find whether the methyl salicylate was substituted. The Government has to prove that or it has no case at all. That rests on the undisputed testimony of the Chemist. If you believe his testimony that proves that fact, if you

don't believe it, it is not proved at all but if you find this article of food, oil of birch and that methyl salicylate was substituted then you come to the real question about which the contest is chiefly based in this case, as shown in the testimony and argument of counsel, whether or not the defendant knew or had reason to know that this article which he shipped or which is shipped by his clerks was an imitation of oil of birch in that methyl salicylate had been substituted to the extent of about 75%. That is the point in this law suit, about which the real contest has been.

Now this defendant is entitled to the presumption of innocence, with which the law shields every defendant tried on a criminal charge; he is not to be found guilty by you unless after careful consideration of the evidence you are satisfied of his guilt and have no reasonable doubt in your mind about it. If you are not satisfied, have a reasonable doubt about it, then it will be your duty to acquit him. I charge you as a matter of law, in regard to the criminal intent under this statute, as well as other statutes that if he does it without knowledge of the fact that otherwise makes it unlawful, unless he had knowledge of the fact or facts that brought knowledge home to him, then he is not guilty. A man, of course might ship anybody, might ship any article that was misbranded or adulterated with certain things and unless he had reason to know it was a misbranded or adulterated article he would not be guilty under the criminal law, he can't be made criminally liable unless he knew or had reason to know that it had been adulterated or misbranded, otherwise he would be innocent. So then the real point in this case is whether or not this defendant knew or had reason to know that the so-called oil of birch he offered for sale or shipped, either through himself or his clerks that it was an imitation or that it contained this methyl salicylate which had been substituted. Of course if his Clerks carried on that sort of business and shipped it for him he would be just as guilty as if he had done it himself, as he instructed them to do it. If on the other hand his clerks had carried on this business and shipped any of it without his knowledge, and he was entirely innocent of the matter he would not be guilty under the act, not criminally responsible for his clerks. The Government says he must have known that and that he had been engaged in the oil business and the Government has shown him to have bought in the last year or two, I believe, I don't remember how much, it seems that the witness says 1500# in 1913 and 1914. He bought this methyl salicylate and that he must have been buying it, according to the Government's theory, because he was using it for this very thing, for the purpose of adulterating oil of birch. The way prices were then running there was a large profit in it. If that theory is supported by the facts, if you believe that is what really happened and you find this is an article of food and had methyl salicylate in it, [which had] been substituted for the oil of birch, the natural oil of birch, then you will find him guilty.

Now on the other hand his theory is that nothing of that sort did happen, that his Clerks bought a large quantity of it in his absence, that he believed and they believed, so far as he knew, that it was real oil of birch that one of the men from whom he bought it told him that and gave him an affidavit and he believed that to be true and he continued to sell it, because he acted in good faith believing it was real oil of birch. He did buy this methyl salicylate in large quantities, he does not know exactly how much he bought, that he was buying that for entirely different purposes, mainly for purpose of selling to people up there as a remedy for rheumatism, selling it to people at Elizabethton and any other place and that is the way he disposed of this large quantity of methyl salicylate by selling it to people who wanted it. That he never sold it to anybody connected with the manufacture of oil of birch so far as he knew and he had no reason to suspect it. It is for the jury [to say] whether his clerks adulterated it or the mountain men adulterated it; I am not sure, the argument was not clear on that point. I presume the theory would be the distillers adulterated it; that was not brought out by counsel or in the defendant's testimony but I presume he would say the mountain men and not his clerks. The Government says that explanation is wholly unreasonable and uncorroborated. That is the substance of the Government's argument. That it is too unreasonable for the jury to believe and that the only reasonable explanation is the methyl salicylate was put in with his knowledge for adulterating this oil of birch. That is the Government's position. I extend no view to you whatever on the facts in the case, to be passed on by the jury. You take into consideration, as to the weight to be given to them and of course then the main question is as to the veracity of this defendant. He has ap-

peared before you, you heard him testify and you must judge of the reasonableness of his statement on the witness stand and as to whether or not you believe the state, consider the impression he made on you, also to remember he is the defendant and is interested in the case. The case must to a great extent turn on the effect he produced on you. It is a question of fact, if you believe from this evidence that he knew, had reason to believe that the product was shipped and was oil of birch, but knew at the time it was really in a large quantity composed of methyl salicylate, and was an article of food, if you believe that, have no reasonable doubt about it, he is guilty and should be so found under both counts.

If, on the other hand, you don't believe that, you don't believe he knew it, or had reason to believe such adulteration, he did not know it or had any reason to believe it and acted in good faith, if you have reasonable doubt about it, then it is your duty to acquit him.

There are the two reasons, I submit them to you with[out] expression of opinion.

Thereupon the jury retired, and after due deliberation returned a verdict of not guilty.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5073. Adulteration of tomato pulp. U. S. * * * v. 20 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7099. I. S. No. 3413-l. S. No. E-495.)

On December 6, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 20 cases of tomato pulp, consigned on or about November 10, 1915, by the Hartlove Packing Co., Baltimore, Md., remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article had been shipped and transported from the State of Maryland into the District of Columbia and were being offered for sale and sold in the District aforesaid, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed by Hartlove Packing Co., Baltimore, Md. Hartlove Brand Tomato Pulp * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On February 14, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the said Hartlove Packing Co. pay the costs of the proceedings.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5074. Adulteration of compound ketchup. U. S. * * * v. 6 Barrels of Compound Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7168. I. S. Nos. 3533–l, 3542–l. S. No. E–532.)

On January 22, 1916, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 barrels of compound ketchup, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about December 1, 1915, by the Harbauer Co., Toledo, Ohio, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly and in part of a decomposed and putrid vegetable substance.

On February 10, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5075. Adulteration of beans. U. S. * * * v. 250 Bags * * * of Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7198. I. S. No. 10129-l. S. No. C-423.)

On February 2, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 bags of beans, each bag weighing 165 pounds, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on May 10, 1915, by H. W. Carr Co., Saginaw, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Foods and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance; further in that it consisted in part of a filthy vegetable substance; further in that it consisted in part of a decomposed animal substance; and further in that it consisted in part of a filthy animal substance.

On January 9, 1917, Bert R. Post and Lee Post, doing business as Post Bros., claimants, Hammond, Ind., having admitted the allegations of the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimants upon the payment of the costs of the proceedings and other incidental expenses, and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be repicked under the supervision of an inspector of the Bureau of Chemistry of this department, and that the portion of the beans found fit for human food should be released, and the portion found unfit should be ground up for animal food.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5076. Adulteration and misbranding of vinegar. U. S. * * * v. Price & Lucas Cider & Vinegar Co., a corporation. In default of appearance, fine of $300 imposed. (F. & D. No. 7257. I. S. No. 14497–k.)

On July 27, 1916, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Price & Lucas Cider & Vinegar Co., a corporation, doing business in Pittsburgh, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 8, 1915, from the State of Pennsylvania into the State of Ohio, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "* * * Pure Cider Vinegar Reduced to 4 per cent * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	0.79
Glycerol (gram per 100 cc)	0.18
Solids (grams per 100 cc)	2.32
Reducing sugars after inversion (grams per 100 cc)	1.03
Nonsugar solids (grams per 100 cc)	1.29
Ash (gram per 100 cc)	0.26
Phosphoric acid (P_2O_5) (mgs. per 100 cc)	36.00
Total acid as acetic (grams per 100 cc)	3.98
Volatile acid as acetic (grams per 100 cc)	3.81
Lead precipitate: Medium.	
Color (brewer's scale 1-inch cell)	14.00
Color removed by Fuller's earth (per cent)	21.4
Ash in nonsugar solids (per cent)	20.2
Formic acid (mgs. per 100 cc)	3.3

The above results show the product to contain a material high in reducing sugars, either dilute acetic acid or distilled vinegar, and phosphates.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, a material high in reducing sugars, dilute acetic acid, or distilled vinegar and phosphates had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for cider vinegar, which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein appearing on its label, to wit: "Pure Cider Vinegar. Reduced to 4 per cent," was false and misleading, in that it indicated to purchasers thereof that the article was pure cider vinegar which had been reduced to 4 per cent acid strength by the addition of water; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of pure cider vinegar, reduced to 4 per cent acid strength by the addition of water, when, in truth and in fact, it was not, but was, to wit, a mixture of cider vinegar, a material high in reducing sugars, dilute acetic acid, or distilled vinegar, and phosphates, reduced to about 4 per cent acid strength. Misbranding was alleged for the further reason that the article was, to wit, a mixture of cider vinegar, a material high in reducing sugars, dilute acetic acid, or distilled vinegar, and phosphates, reduced to about 4 per cent acid strength, and was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar.

On November 10, 1916, the defendant company, having failed and neglected to appear or plead or answer, it was ordered by the court that judgment in the sum of $300 be entered against said defendant, with costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5077. Adulteration and misbranding of orangeade and wild cherry cider. U. S. * * * v. Star Bottling & Manufacturing Co., a corporation. Plea of guilty. Fine, $100. (F. & D. No. 7261. I. S. Nos. 18655-k, 18659-k.)

On June 28, 1916, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Star Bottling & Manufacturing Co., a corporation, Pullman, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 27, 1915, and on or about June 16, 1915, from the State of Washington into the State of Idaho of quantities of orangeade and wild cherry cider, respectively, which were adulterated and misbranded. The articles were labeled in part: "Concentrated Syrups Artesian Brand Guaranteed by the Star Bottling and Manufacturing Co. Pullman, Washington Orangeade" (or "Wild Cherry Cider," as the case might be) "Prepared with 1–10 of 1 per cent Benzoate of Soda and added vegetable color * * * Star Bottling & Manufacturing Co. Pullman, Washington"

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the orangeade was sugar sirup, containing possibly a small amount of orange juice and color, strongly flavored with citric acid, and colored with coal-tar dye in imitation of orangeade sirup; and that the wild cherry cider was sugar sirup, containing little, if any, cider or wild cherry, strongly flavored with citric acid, and colored with coal-tar dye and cochineal in imitation of wild cherry.

Adulteration of the orangeade was alleged in the information for the reason that certain substances, to wit, a sugar sirup, flavored with citric acid and artifically colored with coal-tar dye, has been substituted, in whole or in part, for orangeade sirup, which said article purported to be; and for the further reason that it was an inferior product, to wit, a sugar sirup, flavored with citric acid and had been colored in a manner whereby its inferiority to genuine orangeade sirup was concealed.

Adulteration of the wild cherry cider was alleged for the reason that certain substances, to wit, a sirup, artificially colored and flavored, had been substituted, in whole or in part, for concentrated wild cherry cider sirup, which said article purported to be; and for the further reason that it was an inferior product, to wit, a sirup, artifically flavored, and had been colored in a manner whereby its inferiority to concentrated genuine wild cherry cider sirup was concealed.

Misbranding of the orangeade was alleged for the reason that the following statements regarding the article and ingredients and substances contained therein appearing on the label aforesaid, to wit, "Concentrated Syrups * * * Orangeade," and "Prepared with 1-10 of 1 per cent Benzoate of Soda and added vegetable color," were false and misleading in that the first statement indicated to purchasers thereof that it was concentrated orangeade sirup, and the second that it contained, among other things, added vegetable color; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was concentrated orangeade sirup, and that it contained among other things, added vegetable color, when, in truth and in fact, it was not concentrated orangeade sirup, but was, to wit, a sugar sirup, flavored with citric acid and artificially colored with coal-tar dye in imitation of genuine orangeade sirup, and did not contain added vegetable color, but did contain, to wit, coal-tar dye. Misbranding was alleged for the further reason that the article was, to wit, a sugar sirup, flavored with citric acid and artificially colored with coal-tar dye, and was an imitation of, and

was offered for sale under the distinctive name of another article, to wit, "Concentrated Syrups * * * Orangeade."

Misbranding of the wild cherry cider was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "Concentrated Syrups * * * Wild Cherry Cider," and "Prepared with 1-10 of 1 percent Benzoate of Soda and added vegetable color," were false and misleading in that the first statement indicated to purchasers thereof that it was concentrated wild cherry cider sirup and the second that it contained among other things added vegetable color; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was concentrated wild cherry cider sirup, and that it contained among other things added vegetable color, when, in truth and in fact, it was not concentrated wild cherry cider sirup, but was, to wit, a sirup artificially colored and flavored in imitation of genuine concentrated wild cherry cider sirup and did not contain added vegetable color, but did contain, to wit, cochineal and a coal-tar dye. Misbranding was alleged for the further reason that it was, to wit, a sirup artificially colored and flavored, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Concentrated Syrups * * * Wild Cherry Cider."

On July 7, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5078. Misbranding of cane sirup. U. S. * * * v. Georgia Cane Product Co., a corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 7263. I. S. No. 11102-l.)

On June 14, 1916, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Georgia Cane Product Co., a corporation, Columbus, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 15, 1915, from the State of Georgia into the State of Texas, of a quantity of cane sirup, which was misbranded. The article was labeled in part: "Williams' Pure Georgia Cane Syrup, Georgia Cane Product Co., Columbus, Ga. * * * Net weight 9 Lbs. and 3 Ozs.".

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the average net weight of 3 packages to be 8 pounds, 4.05 ounces, or a shortage of 10.17 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 9 Lbs. and 3 Ozs.", borne on the label attached to the can containing it was false and misleading in that it represented that the contents of said can weighed 9 pounds and 3 ounces; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of said can weighed 9 pounds and 3 ounces, whereas, in truth and in fact, said contents did not, but weighed a less amount. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 4, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5079. Adulteration and misbranding of vinegar. U. S. * * * v. 65 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7265, I. S. No. 20656–l. S. No. W–87.)

On March 31, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 barrels of vinegar remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped, on or about March 11, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The barrels were branded variously, "46," "47," "48," "49," "50," "51," "52," or "53," as the case might be, which figures were intended to indicate the quantity of vinegar contained in each of the barrels so marked.

Adulteration of the article was alleged in the libel for the reason that water had been mixed therewith so as to reduce and lower its quality and strength; and for the further reason that water had been substituted in part for the said article of food.

Misbranding was alleged for the reason that the quantity and contents of the barrels was not plainly and conspicuously, or at all, marked on the outside of said barrels, or either [any] of them, and for the further reason that said brand and label, so marked on each of the barrels respecting the quantity of the article contained therein, was false and misleading in that each of the barrels purported to contain the quantity of the article so stated and indicated by the brand and label thereon, while, in truth and in fact, the greater number of the barrels contained a much less quantity of the vinegar than was stated and indicated by the brand and label thereon, only three of the barrels containing an overage, such overage amounting to $\frac{5}{10}$ of 1 gallon (0.5 gal.) in each of 2 barrels, and 1 gallon in 1 barrel.

On August 4, 1916, the Otto Kuehne Preserving Co., Topeka, Kans., having filed its claim and stipulation admitting in effect the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant company, good and sufficient bond having been filed, in conformity with section 10 of the act, the decree further providing that the article should be labeled, "Cider vinegar, reduced with water to $4\frac{1}{2}$ per cent acid strength," that each barrel should be branded so as to indicate the true contents thereof in gallons, and that the claimant should pay the costs of the proceedings.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5080. Adulteration and misbranding of vinegar. U. S. * * * v. 52 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7286, 7287, I. S. No. 20658–l. S. No. W–89.)

On April 8, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 52 barrels of vinegar remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped, on or about March 20, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration and misbranding, in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed therewith so as to reduce and lower its quality and strength, and for the further reason that water had been substituted in part for the said article of food.

Misbranding was alleged for the reason that the quantity and contents of the barrels was not plainly and conspicuously, or at all, marked on the outside of said barrels, or either [any] of them; and for the further reason that the brand and label marked on each of the barrels, respecting the quantity of the article contained therein, was false and misleading in that each of the barrels purported to contain the quantity in gallons of the article as stated and indicated by the brand and label thereon, while, in truth and in fact, each of the barrels contained a much less quantity of the vinegar than was stated and indicated by the brand and label thereon.

On August 4, 1916, the Otto Kuehne Preserving Co., Topeka, Kans., having filed its claim and stipulation admitting in effect the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant company, good and sufficient bond having been filed, in conformity with section 10 of the act, the decree further providing that the article should be labeled, "Cider Vinegar, reduced with water to 4½% acid strength," that each barrel should be branded so as to indicate the true contents thereof in gallons, and that the claimant should pay all the costs of the proceedings.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5081. Misbranding of cottonseed meal. U. S. * * * Buckeye Cotton Oil Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 7314. I. S. No. 12829-h.)

On November 20, 1916, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation doing business at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 14, 1914, from the State of Tennessee into the State of Ohio, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Buckeye Prime Cottonseed Meal. Manufactured by Buckeye Cotton Oil Co., Cincinnati, O. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude protein (per cent)	35.17
Ammonia (N. x 1.2158) (per cent)	6.84
Nitrogen (per cent)	5.63
Crude fiber (per cent)	15.84

It was charged in substance in the information that the article was misbranded for the reason that the statement, to wit, "Guarantee, Protein 38.62 Per Cent Minimum * * * Ammonia 7.50 Per cent Minimum, Nitrogen 6.18 Per Cent Minimum, Crude Fibre 12 Per Cent Maximum," borne on the tags attached to the sacks containing it was false and misleading and such as to deceive and mislead the purchasers into the belief that the said article contained not less than 38.62 per cent of protein, not less than 7.50 per cent of ammonia, not less than 6.18 per cent of nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 38.62 per cent of protein, and less than 7.50 per cent of ammonia, and less than 6.18 per cent of nitrogen, and more than 12 per cent of crude fiber, to wit, approximately 35.17 per cent of crude protein, 6.84 per cent of ammonia, 5.63 per cent of nitrogen, and 15.84 per cent of fiber.

On December 1, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5082. Adulteration and misbranding of "Pastifico Electrico Moderno" (macaroni). U. S. * * * v. Alphonse Gioia, Antonio Gioia and Philip Bellanca. (Gioia, Bellanca & Co.) Plea of nolo contendere. Fine, $25. (F. & D. No. 7290. I. S. No. 2004–l.)

On July 12, 1916, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alphonse Gioia, Antonio Gioia, and Philip Bellanca; trading as Gioia, Bellanca & Co., Rochester, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 9, 1915, from the State of New York into the State of Pennsylvania, of a quantity of spaghettini (macaroni) which was adulterated and misbranded. The article was labeled: "Pastifico Electrico Moderno uso Gragnano Italy. Qualita Extra di Lusso. Artificially colored. Marca Italia, Naples (picture of map of Italy) Manufactured by Gioia Bellanca & Co., Rochester N. Y."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Moisture (per cent)	13.24
Ash (per cent)	0.53
Nitrogen (per cent)	2.00
Protein (nitrogen x 5.7) (per cent)	11.40

Semolina: Absent.

Color of residue from the ammoniacal alcoholic extract: Clear.

This product was made from a straight grade of flour of a hard wheat. It was artificially colored.

Adulteration of the article was alleged in the information for the reason that it was an inferior product, to wit, macaroni produced from wheat inferior in the preparation of macaroni to durum wheat semolina, and was colored in a manner whereby its inferiority to macaroni produced from durum wheat semolina was concealed.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Gragnano Italy," together with other statements in the Italian language and the general appearance of the label, not corrected by the words "uso" and "Manufactured by Gioia Bellanca & Co., Rochester, N. Y." appearing in inconspicuous type on the said label, were false and misleading, in that it indicated to purchasers thereof that the said article was macaroni produced in Gragnano, Italy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the said article was macaroni produced in Gragnano, Italy, when, in truth and in fact, it was not, but was macaroni produced in the United States of America, to wit, the city of Rochester, State of New York. Misbranding was alleged for the further reason that the article was, to wit, macaroni produced in the city of Rochester, State of New York, United States of America, and purported to be of foreign origin, to wit, a product of the Kingdom of Italy.

On November 24, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5083. Adulteration and misbranding of spirits of turpentine. U. S. * * * v. Dill Medicine Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 7291. I. S. Nos. 3779-k, 1332-l.)

On September 15, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dill Medicine Co., a corporation, Norristown, Pa., alleging shipment by said company, in violation of the Food and Drugs act, on or about February 10, 1915, from the State of Pennsylvania into the State of Virginia, and on or about October 19, 1915, from the State of Pennsylvania into the State of North Carolina, of quantities of Dill's brand spirits of turpentine, which was adulterated and misbranded. The shipment from Pennsylvania into Virginia was labeled: "2½ Oz. Dill's Brand Spirits of Turpentine Guaranteed by the Dill Medicine Co. under the Food and Drugs Act, June 30, 1906. No. 776. Distributed by the Dill Medicine Co. Norristown, Pa." The shipment from Pennsylvania into North Carolina was labeled: "3½ Fl. Oz. Dill's Brand Spirits of Turpentine Used externally as a counterirritant antiseptic and parasiticide Distributed by the Dill Medicine Co. Norristown, Pa."

Analyses of samples of the shipment into Virginia by the Bureau of Chemistry of this department showed an unpolymerized residue of 13.8 per cent by volume, indicating the presence of kerosene or similar hydrocarbons to the extent of about 15 per cent. The shipment into North Carolina showed an unpolymerized residue of 4.8 per cent by volume, indicating the presence of kerosene or similar hydrocarbons to the extent of about 5 per cent.

Adulteration of the article in each shipment was alleged in the information for the reason that it was sold under and by the name, spirits of turpentine, said name being a synonym of the name, oil of turpentine, recognized in the United States Pharmacopœia, and said article differed from the standard of strength, quality, and purity of oil of turpentine as determined by the test laid down in said United States Pharmacopœia, official at the time of investigation, in that said Pharmacopœia provided that oil of turpentine should contain no petroleum benzin, kerosene, or similar hydrocarbons, whereas said article contained petroleum benzin, kerosene, or similar hydrocarbons, and the standard of strength, quality, or purity of said article was not stated on the containers in which it was offered for sale.

Misbranding was alleged for the reason that the statement, "Spirits of Turpentine," borne on the labels of the bottles containing said article, was false and misleading in that said statement falsely represented and misled purchasers into the belief that said article was oil of turpentine, a drug containing no petroleum benzin, kerosene, or similar hydrocarbons, whereas said article was, in fact, a mixture of oil of turpentine with petroleum benzin, kerosene, or similar hydrocarbons.

On September 15, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5084. Misbranding of "Gowan's Preparation." U. S. * * * v. Gowan Medical Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 7297. I. S. No. 130-k.)

On June 29, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gowan Medical Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about April 30, 1914, from the State of Illinois into the State of South Carolina, of a quantity of an article labeled in part, "Gowan's Preparation," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that [the] product consisted essentially of a wool-fat vehicle containing about 12 per cent of camphor and 0.7 per cent of quinine sulphate in suspension and solution and about 20 per cent of water.

Misbranding of the article was alleged in the information for the reason that certain statements, designs, and devices appearing on the label of its carton, on the label of its bottle, and included in the circular or pamphlet accompanying it, falsely and fraudulently represented it as a treatment for pneumonia, pleurisy, croup, throat troubles, rheumatism, felons, carbuncles, piles, stiff joints, sore throat, tonsilitis, grippe, whooping cough, congested lungs, difficult breathing, pains in the chest and lungs, catarrh, neuralgia, fever, and soreness and swelling in the abdomen, when, in truth and in fact, it was not.

On October 10, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5085. Misbranding of "Urol." U. S. * * * v. Joseph C. Ligeour and Chesleigh A. Holtzendorf, copartners (Standard Chemical Co.). Pleas of guilty. Fine, $50. (F. & D. No. 7298. I. S. No. 3314–k.)

On January 27, 1916, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph C. Ligeour and Chesleigh A. Holtzendorf, copartners, trading as the Standard Chemical Co., Fitzgerald, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 18, 1915, from the State of Georgia into the State of Florida, of an article labeled in part, "Urol," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a solution of volatile oils in balsam.

It was charged in substance in the information that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for diseases of the kidney, bladder, and urethral canal, and effective to correct beginning troubles affecting the kidneys, bladder, and urethral canal, and to heal chronic disorders of like character, when, in truth and in fact, it was not. Misbranding was alleged in substance for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy for diseases of the kidneys, bladder, and urethral canal, for every inflammation of the kidneys, bladder, and urethral canal; as a relief for acute nephritis; as a remedy for congestion of the kidneys, chronic urethritis, and chronic cystitis; and as a cure for cystitis and gonorrhea, when, in truth and in fact, it was not.

On January 12, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5086. Adulteration of vinegar. U. S. * * * v 65 Barrels * * * and 25 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7300, 7301. I. S. Nos. 11169–l, 11170–l. S. No. C–468.)

On April 17, 1916, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 65 barrels and 25 barrels, each containing 50 gallons of vinegar, consigned by the Gist-Leo Vinegar Co., Springfield, Mo., and remaining unsold in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped and transported on or about March 1, 1916, from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Gist-Leo Vinegar Co., Springfield, Mo., Pure Apple Cider Vinegar."

Adulteration of the article was alleged in substance in the libels for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with and substituted in part for pure apple cider vinegar.

On July 29, 1916, the said Gist-Leo Vinegar Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that said article should be properly labeled.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5787. Adulteration and misbranding of creme de menthe essence. U. S. * * * v. Antonio Valsecchi. Plea of guilty. Fine, $5. (F. & D. No. 7306. I. S. No. 3203–k.)

On July 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonio Valsecchi, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 9, 1914, from the State of New York into the State of New Jersey, of a quantity of creme de menthe essence which was adulterated and misbranded. The article was labeled in part: "* * * Creme De Menthe Menta Verde Compound Flavor Artifically Colored * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	74.00
Ethyl alcohol: None.	
Methyl alcohol (per cent)	74.00
Color: Naphthol Yellow S.	
Flavor: Peppermint.	

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious substance, to wit, methyl alcohol, which might render it injurious to health. It was further alleged that methyl alcohol had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Creme De Menthe Menta Verde * * * Directions: First dissolve Sugar in Water, after add Alcohol and shake strongly. Ten Minutes later add this Extract and agitate again," not corrected by the following statements in inconspicuous type appearing on the said labels, to wit, "Compound . . . Flavor" and "Artificially . . . colored," were false and misleading in that they indicated to purchasers thereof that the said article consisted of a genuine creme de menthe essence or extract; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead purchasers into the belief that it consisted of a genuine creme de menthe essence or extract, when, in truth and in fact, it did not, but did consist of, to wit, an artificial peppermint flavor for use in the preparation of imitation liquors.

On November 13, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5088. Adulteration and misbranding of beans. U. S. * * * v. 400 Cases of Beans. Tried to the court and a jury. Verdict for Government. Judgment of condemnation, forfeiture, and destruction. (F. & D. No. 7316. I. S. No. 10897–l. S. No. C–473.)

On April 17, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases of beans, remaining unsold in the original unbroken packages at Green Bay, Wis., alleging that the article had been shipped on or about January 4, 1916, by the Sycamore Preserve Works, Sycamore, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it was labeled, "Beans with Tomato Sauce," whereas in fact it contained no appreciable amount of tomato sauce, but contained annatto, a coloring matter product, by which said article was colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement, "Beans with Tomato Sauce," was false and misleading in that the article contained no appreciable amount of tomato sauce; and for the further reason that it was labeled as aforesaid so as to give the impression that it was beans mixed with tomato sauce, whereas, in truth and in fact, it contained no appreciable amount of tomato sauce, but contained annatto, a coloring matter product, by which it was colored in such a manner as to deceive and mislead the purchaser into the false impression and belief that said product was beans with tomato sauce.

On July 17, 1916, the Joannes Bros. Co., Green Bay, Wis., claimant, filed its answer, denying the allegations in the libel. On December 4, 1916, the case having come on for trial before the court and a jury, and no appearance having been made for the libelee at the trial, after the submission of evidence by the Government, the court directed the jury to find for the libelant. Thereafter on December 5, 1916, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the costs of the proceeding should be taxed against said claimant company.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5089. Misbranding of "The Boxenbaum Discovery." U. S. * * * v. Beni Boxenbaum (Boxenbaum, Son & Co.). Plea of guilty. Fine, $10. (F. & D. No. 7317. I. S. No. 955–k.)

On July 10, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Beni Boxenbaum, trading as Boxenbaum, Son & Co., Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about December 29, 1914, from the State of Pennsylvania into the State of Massachusetts, of a quantity of an article labeled in part, "The Boxenbaum Discovery," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department, showed the following results:

Nonvolatile solids (grams per 100 cc)	8.85
Potassium bromid (grams per 100 cc)	8.00

Emodin: Present.

Essentially an aqueous solution of potassium bromid, with a small amount of a cathartic drug product.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing on its label and carton, and included in the circular, display card, and booklet accompanying it, falsely and fraudulently represented it as a marvelous and speedy remedy for the cure of epilepsy, convulsions, and spasms, and as the only effective remedy for epileptic fits, when, in truth and in fact, it was not.

On July 10, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5090. Adulteration and misbranding of beans. U. S. * * * v. 100 Bags of Dry Beans * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7318. I. S. No. 12907–l. S. No. C–474.)

On April 17, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 bags of dry beans of 180 pounds each, remaining unsold in the original unbroken packages at Elyria, Ohio, alleging that the article had been shipped on or about March 13, 1916, by George L. Jessup, Pompeii, Mich., and transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part on tags attached to said bags: "* * * From Geo. L. Jessup. Dealer in all kinds of Hay Grain, Seeds, Lumber, Cement, Lime, Salt and Wool. Pompeii, Michigan."

Adulteration of [the] article was alleged in the libel for the reason that it consisted in part of decomposed vegetable matter, the presence of which renders the same a filthy and decomposed vegetable substance, unfit for food or as an ingredient of food.

Misbranding was alleged for the reason that said package did not bear any statement whatsoever in terms of weight or measure of the contents.

On September 1, 1916, the said George L. Jessup, claimant, having filed his answer admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that said article should not be reshipped in interstate commerce, nor sold or disposed of, unless properly labeled to show the true character and condition of said article.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5091. Adulteration of red kidney beans. U. S. * * * v. 21 Sacks of Red Kidney Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7321. I. S. No. 13007–l. S. No. C–476.)

On April 18, 1916, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 sacks of red kidney beans, remaining unsold in the original unbroken packages at Norfolk, Nebr., alleging that the article had been shipped on or about January 19, 1916, by William Hamilton & Son, Caledonia, N. Y., and transported from the State of New York into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance, said product being known as cull beans.

On October 26, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5092. Adulteration of pork and beans. U. S. * * * v. 200 Cases * * * of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7328. I. S. No. 10536-l. S. No. C-481.)

On April 18, 1916, the United States attorney for the northern district of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases of pork and beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 6, 1916, by the Oceana Canning Co., Shelby, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance; and, further, in that it consisted in part of a decomposed animal substance.

On November 11, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5093. Adulteration and misbranding of compound vanilla. U. S. * * * v. John N. Hickok and Burtt N. Hickok (John N. Hickok & Son). Plea of guilty. Fine, $25. (F. & D. No. 7329. I. S. No. 12511–k.)

On July 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John N. Hickok and Burtt N. Hickok, trading as John N. Hickok & Son, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on September 12, 1914, from the State of New York into the State of Tennessee of a quantity of compound vanilla which was adulterated and misbranded. The article was labeled in part: "Compound Vanilla * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Caramel, by Woodman-Newhall test: Positive.

Alcohol (per cent by volume)	19.96
Vanillin (gram per 100 cc)	0.44
Coumarin (gram per 100 cc)	0.01
Resins: None.	
Lead number	0.00

Product is essentially a hydroalcoholic solution of vanillin and coumarin colored with caramel, and contains little or no vanilla.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, an imitation vanilla extract composed of vanillin and coumarin, artificially colored, has been substituted in whole or in part for compound vanilla, which the article purported to be; and further in that the article was an inferior product, to wit, an imitation vanilla extract composed of vanillin and coumarin, and has been colored in a manner whereby its inferiority to genuine vanilla extract was concealed.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "Compound Vanilla," was false and misleading in that it indicated to purchasers thereof that the said article was a concentrated extract of vanilla or an extract of vanilla having added strength; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a concentrated extract of vanilla or an extract of vanilla having added strength, when, in truth and in fact, it was not, but was, to wit, an imitation product composed of vanillin and coumarin and artificially colored. Misbranding was alleged for the further reason that the article was an imitation product, to wit, a mixture of vanillin and coumarin artificially colored, and was offered for sale under the distinctive name of another article, to wit, compound vanilla.

On November 8, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5094. Adulteration of fernet. U. S. * * * v. John Puziello et al. (Puziello, Luccaro & Co.). Plea of guilty. Fine, $25. (F. & D. No. 7331. I. S. No. 3864–h.)

On July 18, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United State for said district an information against John Puziello, Raphael Puziello, and Antonio Luccaro, trading as Puziello, Luccaro & Co., Borough of Brooklyn, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on June 18, 1914, from the State of New York into the State of Massachusetts, of a quantity of fernet which was adulterated. The article was labeled in part: "Fernet * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	43.30
Methyl alcohol (Leach & Lythgoe method) (per cent by volume)	1.4
Methyl alcohol (Denige's method) (per cent by volume)	1.3
Methyl alcohol (Riche & Bardy test): Positive.	

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, methyl alcohol, which might render it injurious to health.

On December 11, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5095. Adulteration and misbranding of pork and beans. U. S. * * * v. 600 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7332. I. S. No. 10137–l. S. No. C–469.)

On April 19, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 2 dozen cans of pork and beans, consigned on February 12, 1916, and remaining unsold in the original unbroken packages at Springfield, Ill., alleging that the article had been shipped by the Wisconsin Pea Canners Co., Manitowoc, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (100 cases) "Bunny Brand Pork and Beans, * * *" and (500 cases) "Bunny Brand Pork and Beans in Tomato Sauce * * *."

Adulteration of the article was alleged in substance in the libel for the reason that it contained and showed the presence of partly decomposed beans. It was further alleged in substance that the portion of the article labeled "In Tomato Sauce" was also adulterated for the reason that it was colored by annatto in a manner whereby damage and inferiority were concealed, and no tomato sauce was present therein.

Misbranding was alleged for the reason that the statement on the label, to wit, "In Tomato Sauce," was false and misleading and calculated to deceive and mislead the purchaser.

On September 11, 1916, the said Wisconsin Pea Canners Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5096. Adulteration and misbranding of vinegar. U. S. * * * v. 10 Barrels * * * and 175 Dozen Bottles of so-called Apple Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7335. I. S. Nos. 11171–l, 11172–l. S. No. C–483.)

On April 21, 1916, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of so-called apple cider vinegar, shipped on or about July 15, 1915, and 175 dozen bottles of so-called apple vinegar, shipped on or about February 24, 1915, and July 15, 1915, remaining unsold in the original unbroken packages at Holdenville, Okla., alleging that the article had been shipped by the Wallace McLean Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 10 barrels were labeled: "Elko Brand Apple Cider Vinegar Reduced by Water to Four Percent." The 175 bottles were labeled: "One Quart Elko Apple Vinegar Reduced to 4% Acetic Strength."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of distilled vinegar or dilute acetic acid so mixed with it as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that distilled vinegar or dilute acetic acid had been substituted in part for the article.

Misbranding was alleged in substance for the reason that in being labeled, "Apple Cider Vinegar" and "Apple Vinegar," said article was an imitation of and offered for sale under the distinctive name of another article; and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser.

On September 7, 1916, the said Wallace McLean Vinegar Co., claimant, having filed its answer admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5097. Adulteration of canned pork and beans. U. S. * * * v. 400 Cases * * * of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7336. I. S. No. 10140–l. S. No. C–484.)

On April 21, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 2 dozen cans, of pork and beans, consigned on January 5, 1916, and remaining unsold in the original unbroken packages at Quincy, Ill., alleging that the article had been shipped by Hart Bros., Saginaw, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The cans in 250 of the cases were labeled: "Buffalo Brand our extra quality Pork and Beans with tomato sauce, contents one pound twelve ounces." The cans in 150 of the cases were labeled: "Owl Brand Pork and Beans with tomato sauce, contents one pound twelve ounces."

The allegations in the libel were to the effect that the article was adulterated in that it consisted in part of partially decomposed beans, of which a portion of such partially decomposed beans were affected by anthracnose and the remainder consisted of blighted and ground-rot beans.

On July 5, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5098. Adulteration and misbranding of creme de apricot and ferro-china bitters. U. S. * * * v. Thomas Martino, agent of Filemina Martino, trading as M. Martino. Plea of guilty. Fine, $200. (F. & D. No. 7342. I. S. Nos. 1445-k, 22471-h.)

On July 10, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Martino, agent of Filemina Martino, trading as M. Martino, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act:

(1) On or about December 12, 1914, from the State of Pennsylvania into the State of Connecticut, of a quantity of creme de apricot, which was adulterated and misbranded. This article was labeled: (On neck label) "Grande Fabbrica di Liquori Italia" (on main label) (design of bowl of fruit) "Creme de Apricot M. Martino, Philadelphia, Pa. Purity Guaranteed."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	19.16
Ash (gram per 100 cc)	0.01

Flavor: Anise.

Color: Amaranth, with a trace of fast red E.

Phosphoric Acid: None.

This product is an artificially colored and flavored cordial prepared to imitate apricot cordial.

Adulteration of the article was alleged in the information for the reason that a substance artificially colored and flavored in imitation of apricot liquor was substituted, in whole or in part, for creme de apricot, which the article purported to be; and for the further reason that said article was an inferior product, to wit, a substance flavored in imitation of apricot liquor, and had been colored in a manner whereby its inferiority to genuine apricot liquor was concealed.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, "Creme de Apricot," was false and misleading in that it indicated to purchasers thereof that the article was an apricot liquor, and for the further reason that it was labeled "Creme de Apricot" so as to deceive and mislead the purchaser into the belief that it was an apricot liquor, when, in truth and in fact, it was not an apricot liquor, but was, to wit, a substance or liquor artificially colored and flavored in imitation of apricot liquor. Misbranding was alleged for the further reason that the product was an imitation product, to wit, a substance artificially colored and flavored in imitation of apricot liquor and was offered for sale under the distinctive name of another article, to wit, creme de apricot. Misbranding was alleged for the further reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Grande Fabbrica di Liquori Italia," was false and misleading, in that it indicated to purchasers thereof that said article was a product of the Kingdom of Italy; and for the further reason that it was labeled, "Grande Fabbrica di Liquori Italia," so as to deceive and mislead purchasers into the belief that it was a product of the Kingdom of Italy, when, in truth and in fact, it was not, but was a domestic product and had been manufactured in the United States of America, to wit, the city of Philadelphia, State of Pennsylvania. Misbranding was alleged for the further reason

that the article consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

(2) On or about July 15, 1914, from the State of Pennsylvania into the State of Maryland, of a quantity of ferro-china bitters which were adulterated and misbranded. This article was labeled in part: (On neck label) "F. China Italia" (circles bearing the words "Anti Malanno.") (On small label above main label) " * * * Ferro-China Italia." (On main label) "Ferro-China-Italia. Iron Chincona Bitters Strictly Distilled from Roots, Herbs and Seeds * * * Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 49022." "F. China Italia" appears twice across main label (circles across face of label, each one bearing the words "Anti Malanno"). (Blown in bottle) "Ferro-China."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	24.0
Sugar (grams per 100 cc)	10.35
Glycerin (gram per 100 cc)	0.06
Iron oxid as Fe_2O_3 (gram per 100 cc)	0.012

Alkaloid: Merest trace.

It is a hydroalcoholic solution, slightly bitter in taste, acid in reaction, and colored with caramel.

Adulteration of the article considered as a drug was alleged in the information for the reason that it was sold as and for ferro-china bitters, containing substantial and significant amounts of iron and cinchona, and its strength and purity fell below the professed standard and quality under which it was sold in that it contained the merest traces of iron and cinchona.

Misbranding of the article considered as a food was alleged for the reason that the following statement regarding it and the ingredients and substances contained therein appearing on the label aforesaid, to wit, "Ferro-China-Italia," was false and misleading in that it indicated to purchasers thereof that the article was a product of the Kingdom of Italy; and for the further reason that it was labeled, "Ferro-China-Italia," so as to deceive and mislead purchasers into the belief that it was a product of the Kingdom of Italy, when, in truth and in fact, it was not, but was a domestic product and had been manufactured in the United States of America, to wit, the city of Philadelphia, State of Pennsylvania. Misbranding was alleged for the further reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Iron Chincona Bitters," was false and misleading, in that it indicated to purchasers thereof that the article contained substantial and significant amounts of iron and chincona; and for the further reason that it was labeled "Iron Chincona Bitters," so as to deceive and mislead purchasers into the belief that it contained substantial and significant amounts of iron and cinchona, when, in truth and in fact, it did not, but did contain, to wit, the merest traces of iron and cinchona.

On August 4, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $200.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5099. Adulteration of pork and beans. U. S. * * * v. 75 Cases of Pork and Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7344. I. S. No. 10898–l. S. No. C–490.)

On April 22, 1916, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on January 20, 1917, an amendment thereto, praying the seizure and condemnation of 75 cases of pork and beans, remaining unsold in the original unbroken packages at Menominee, Mich., alleging that the article had been shipped, on March 29, 1916, by the Sycamore Preserve Works, Sycamore, Ill., and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel and amendment thereto for the reason that it consisted in whole or in part of a filthy and decomposed substance or substances and was colored in a manner whereby damage and inferiority were concealed in that it contained an added artificial coloring matter, to wit, annatto.

On March 6, 1917, Charles I. Cook, Menominee, Mich., claimant, having withdrawn his answer to the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property should be destroyed by the United States marshal and that the costs of the proceeding should be assessed against said claimant.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

5100. Adulteration and misbranding of "Hampton Springs Water." U. S. * * * v. Hampton Springs Co., a corporation. Plea of not guilty. Tried to the court and a jury. Verdict of guilty. Fine, $100. (F. & D. No. 7349. I. S. No. 4016–k.)

On July 12, 1916, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hampton Springs Co., a corporation, Hampton Springs, Fla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about July 14, 1915, from the State of Florida into the State of Georgia, of a quantity of an article labeled in part, "Hampton Springs Water," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

IONS.

	Mgs. per liter.
Sulphuric acid (SO_4)	398.0
Bicarbonic acid (HCO_3)	328.0
Nitric acid (NO_3)	0.3
Chlorin (Cl)	7.0
Calcium (Ca)	159.2
Magnesium (Mg)	68.4
Potassium (K) and Sodium (Na) by difference	6.7
	967.6

HYPOTHETICAL COMBINATIONS.

	Mgs. per liter.
Sodium nitrate ($NaNO_3$)	0.4
Sodium chlorid (NaCl)	11.5
Sodium sulphate (Na_2SO_4)	6.5
Magnesium sulphate ($MgSO_4$)	338.6
Calcium sulphate ($CaSO_4$)	174.9
Calcium bicarbonate ($Ca(HCO_3)_2$)	435.7
	967.6

	Mgs. per liter. Bottle No. 1.	Bottle No. 2.
Ammonia, free	0.102	0.066
Ammonia, albuminoid	0.160	0.134
Nitrogen as nitrites	None	0.050
Nitrogen as nitrates	0.06	0.06

Residue ignited: Darkens.

Bacteriological examination showed high bacterial counts, and excessive number of organisms of the B. coli group indicating that the water contained filth.

Adulteration of the article was alleged in the first count of the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

It was charged in substance in the second count of the information that the article was misbranded for the reason that the statements appearing on the label falsely and fraudulently represented it as a treatment for indigestion, rheuma-

tism, dyspepsia, and stomach, liver, skin, kidney, and bladder troubles, when, in truth and in fact, it was not. Misbranding was alleged in the third count of the information for the reason that it consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On January 4, 1917, the defendant company entered a plea of not guilty to the information, and on January 5, 1917, the case was brought to trial before the court and a jury. After the submission of evidence, arguments by counsel, and the charge of the court, the jury retired, and after due deliberation returned a verdict of guilty as to counts 1 and 3 of the information and not guilty as to count 2. The court thereupon sentenced the defendant company to pay a fine of $100.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

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